CA4 ON HBL A05
C51P4
1998

AGENDAS
PLANNING & DEVELOPMENT
COMMITTEE

NOV. 4, 1998 ...

CA4 ON HBL A05
C51P4
1998

Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF MEETING

URBAN MUNICIPAL
NOV 3 1998
GOVERNMENT DOCUMENTS

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1998 November 4
9:30 o'clock a.m.
Room 233, City Hall

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 98-25 and Official Plan Amendment by Tara Shevchenko Home for the Aged, owner, for a change in zoning from "D" district to "G-3" district, for lands located at 227-229 Maplewood Avenue.

   Submission: (a) Fred Noble- 215 Maplewood Avenue, Hamilton

2. Official Plan Amendment – Revised Official Public Notification Procedures

3. Amendment to the Downtown Hamilton Community Improvement Plan

4. **DELEGATION**

   The Commercial Property Improvement Loan Program –
   Busineess Improvement Area and Business Association Co-ordinating Committee
   Mary Pocius
   Sheilagh Snider

5. **BUILDING COMMISSIONER**

   30 Norfolk Street North – demolition

6. REFERRAL FROM COUNCIL

1998 Planning Application Fees

7. DIRECTOR OF PLANNING AND DEVELOPMENT (previously tabled items)

(a) Proposed Draft Plan of Condominium – Condominium Conversion (CDM-CONV-98-010) 893 Concession Street, Additional Information.
(i) Information report

(b) Proposed Draft Plan of Condominium – Condominium Conversion (CDM-CONV-98-009) 37-57 Mericourt Road, Additional Information.
(i) Information report

(c) Proposed Draft Plan of Condominium – Condominium Conversion (CDM-CONV-98-007) 293 Mohawk Road East, Additional Information.
(i) Information report

(d) Settlement Options – Conservation Review Board Appeal re: McMaster University Historic Core.

8. CITY SOLICITOR (previously tabled)

Fourth Real Properties Ltd., Lessee, Lloyd D. Jackson Square-
Application by Lessee for approval to Leasehold Mortgage
(i) Information report

9. CONSENT AGENDA

10. OTHER BUSINESS

11. ADJOURNMENT

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No.	Item	Original Date	Action	Status
1.	ZA-94-30, 336-338 King St. W.-Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
2.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and incineration as a use on Harbour Lands	Report forthcoming
3.	RHPA application CD-96-004, 222 Gage Avenue South	1997 April 2 and 1997 May 7	Ward Aldermen to meet with applicant and residents	Tabled for 6 mos. (to first meeting of Nov 1997)
4.	RHPA application CD-96-005, 155 Market Street	1997 April 23	Applicant to meet with residents in order to address their concerns	Tabled for 2 months
5.	Boulevard Policy for New Subdivisions	1997 July 2	Staff directed to prepare report	Report forthcoming
6.	Planning Tariff Fees – Condominium & Subdivisions	1997 August 20	Sub-Committee to review and report back	Pending
7.	Licensing of New Hazardous Waste Sites	1997 August 20	Referred to Planning and Law Department Staff for report	Pending
8.	Demolition Permit Application - 30 Norfolk Street North	1997 October 22	Tabled Until legal issues are resolved	Pending
9.	Parking Restrictions	1998 February 4	Referred to Planning & Building Depts. for staff reports	Pending
10.	York Boulevard Design Guidelines	1998 April 22	Planning Staff directed to provide a review for cttee	Pending
11.	St. Mark's Centre	1998 April 22 and 1998 May 6	Information requested on funding of repairs and comprehensive Plan	Pending
12.	ZA 98-26, 334 East 14th St.	1998 September 23	Proponents to meet with residents to resolve concerns	To be lifted from the table 1998 October 21
13.	Student Housing Licencing By-law	1998 September 23	Staff to Prepare a report	Pending
14.	Correspondence from the Ainslie Wood/Westdale Community Associations	1998 October 7	Referred to staff	Report Forthcoming
1998 October 29				

CITY OF HAMILTON

1.

- RECOMMENDATION -

DATE: 1998 October 22
(ZAC-98-25)
Blakeley Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Victor J. Abraham
Director of Planning and Development

SUBJECT: Request for an Official Plan Amendment and change in zoning – 227 – 229 Maplewood Avenue

RECOMMENDATION:

A. That approval be given to Official Plan Amendment No. to establish a Special Policy Area to permit a parking lot only in conjunction with lands located at 190 Gage Avenue South, on lands known municipally as 227-229 Maplewood Avenue, as shown on the attached map marked as Appendix "A", and the City Solicitor be directed to prepare a By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,

B. That approval be given to amended Zoning Application 98–25, Tara Shevchenko Home for the Aged, owner, for a change in zoning from "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to "G – 3" (Public Parking Lots) District, modified to permit a parking lot on the property located at 227–229 Maplewood Avenue, as shown on the attached maps marked as Appendices "A" and "B", subject to the following:

   i) That the subject lands be rezoned from "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to "G-3" (Public Parking Lots) District;

   ii) The "G-3" (Public Parking Lots) District regulations, as contained in Section 13C of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special provisions:

      (a) That the subject lands be used only in conjunction with 190 Gage Avenue South; and;

      (b) That notwithstanding Section 13C. (4) (ii), a planting strip of not less than 1.5 m in width shall be provided and maintained along the northerly and easterly lot lines, except for any area used for driveway access;

      (c) That Section 13C. (2), shall not apply;

(d) That Section 13C. 4 (ii), shall not apply to the westerly lot line;

(e) That Section 13C. 4 (iii), shall not apply to the northerly and easterly lot lines;

(f) That notwithstanding Section 18A. (26) of Zoning By-law No. 6593, the access driveway shall be within 3.0 m of a residential district;

iii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Section S - , and the subject lands on Zoning District Map E-34 be notated S - ;

iv) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map E-34, for presentation to City Council;

v) That this proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth;

vi) That the subject lands be redesignated on the Approved Blakeley Neighbourhood Plan from "Single and Double Residential" to "Commercial" upon finalization of the implementing By-law.

EXPLANATORY NOTE:

An Official Plan Amendment is required to establish a Special Policy Area to permit a parking lot only in conjunction with lands located 190 Gage Avenue South.

The purpose of the By-law is to provide for a change in zoning from "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to "G-3" (Public Parking Lots) District for lands located at 227 and 229 Maplewood Avenue as shown on the attached maps marked as APPENDIX "A" and "B".

The effect of the By-law is to permit a parking lot only in conjunction with lands located at 190 Gage Avenue South.

In addition, the By-law provides for the following variances:

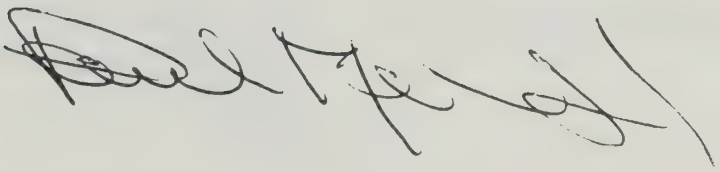
- To permit the parking lot to be further than 60.0 m from the nearst boundary of a commercial or industrial district;

- Requires a planting strip of not less than 1.5 m wide along the northerly and easterly lot lines, except for any area used for driveway access;

- Eliminates the requirement for a minimum 1.5 m wide planting strip along the westerly lot line next to the railway lines;

- Eliminates the required 1.2 m to 2.0 m high visual barrier along the northerly and easterly lot lines next to the existing alleyway; and,

- Permits any access driveway to be within 3.0 m of a residential district.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for an Official Plan Amendment and for a Zoning By-law Amendment.

BACKGROUND:

- Proposal

The applicant proposes to demolish the two (2) existing houses at 227 and 229 Maplewood to construct a parking lot for approximately 15 cars to be used only in conjunction with the seniors apartment building at 190 Gage Avenue South (See Appendix "C"). It should be noted that this is additional parking and not "required parking spaces" for the development at 190 Gage Avenue South.

APPLICANT:

Tara Shevchenko Home for the Aged, owner.

LOT SIZE AND AREA:

- 15.776 m (51 ft.) of lot frontage on Maplewood Avenue;
- 44.86 m (147.1 ft.) of lot depth; and
- 552.86 m^2 (5951.13 sq. ft.) of lot area

LAND USE AND ZONING:

	EXISTING LAND USE	EXISTINGZONING
SUBJECT LANDS:	Single Family Dwellings	"D"(Urban Protected Residential – One and Two Family

		Dwellings etc.) District

SURROUNDING LAND:

to the north, east west	Single Family Dwellings	"D" Urban Protected and Residential – One and Two Family Dwellings, etc.) District
to the south	Multiple Dwellings	"E" (Multiple Dwellings) District, modified

OFFICIAL PLAN:

The lands are designated "RESIDENTIAL" on Schedule "A" – Land Use Concept to the Official Plan. The following policies should be noted:

"2.1.1 The primary uses permitted in the areas designated on Schedule "A" as Residential will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and serving the needs of local residents will be permitted, including, but not limited to:

iv) Limited individual or groups of commercial uses on sites not exceeding 0.4 hectares in area, excluding Automobile Service Stations, in accordance with the Commercial policies as set out in Subsection A.2.2. of this Plan."

In addition the following policies of Subsection B.3.3 – "Public and Private Parking" should be noted :

"3.3.3 Council will discourage, where appropriate, the provision of on-street PARKING on Arterial Roads to facilitate the free flow of traffic movement and, accordingly, will encourage replacement with sufficient off-street and/or on-site PARKING facilities.

3.3.4 Council will require that, in all normal circumstances, a high standard will be maintained in accordance with current design practices for PARKING and loading facilities.

3.3.6 Where necessary and feasible, off-street PARKING, driveways and/or loading areas adjacent to Residential Uses will be suitably screened or buffered through the use of fences, berms or other appropriate landscape treatment. All PARKING areas will be suitably surfaced to resist degradation from the elements or use and,

where deemed appropriate, be illuminated to facilitate and ensure the safety and convenience of pedestrian or vehicular access to the land uses served thereby."

The proposal does not comply with the intent of the Official Plan. If approved, an Official Plan Amendment in the form of a Special Policy Area to permit the proposed development will be required.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single and Double Residential" on the approved Blakeley Neighbourhood Plan. If approved, a redesignation from "Single and Double" to "Commercial" is required.

RESULTS OF CIRCULARIZATION:

- The following Departments and agencies have no comments:

- Hamilton Region Conservation Authority; and,
- Union Gas.

- The Treasury Department has advised that there are tax arrears.

- The Regional Environment Department advised that:

"There are public watermains and combined storm and sanitary sewers available to service the subject lands.

The owner should be advised that the drainage from the proposed parking lot must remain internal to the site and be drained using the appropriate number of catch basins, which must be connected to the storm sewer on Maplewood Avenue. One catch basin is required for every 1000 square metres of area to be drained.

According to our records the existing road allowance width of Maplewood Avenue is between 18.19m and 20.12m. Therefore we do not anticipate any further road allowance widenings at this time.

We understand that the City of Hamilton Department of Public Works and Traffic is requiring that the Public Assumed alley be widened to a minimum of 6.0m to accommodate proper two way access into the parking area. These lands must be dedicated to the City for road widening purposes.

Further, the applicant will be financially responsible for the widening of the public assumed alley to City of Hamilton standards from Maplewood Avenue to the north limits of the subject lands. The plans submittted by the applicant must be amended to reflect these requirements.

There appears to be a discrepancy between our engineering drawings (81-H-113) and the plans submitted by the applicant as to the location of the existing alley, the location of the alley, etc. and this should be clarified by the applicant/owner.

We require minimum 3m by 3m visibility triangles between the limits of the alley, as widened and the Maplewood Avenue road allowance limits in which the maximum height of any objects or mature vegetation (excluding existing trees) cannot exceed a height of 0.60m above the corresponding perpendicular centreline elevation of Maplewood Avenue.

Comments from the TH&B Railway with respect to setbacks, etc. from their right-of-way should be considered.

Any other works which may occur within the public assumed alley, as widened, and the Maplewood Avenue road allowance must conform to the City of Hamilton Streets By-law."

- The Regional Environment Department (Planning Section) advised that:

  REGIONAL COMMENTS: The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan.

  PROVINCIAL COMMENTS: The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The application falls within the parameters of the PPS."

- The Department of Public Works and Traffic has advised that:

  "We have no objections to the proposed zoning. The applicant has submitted a preliminary site plan that shows access to the parking spaces will be from the public assumed alleyway. The applicant should be advised that the City will require a dedication of land from them to create a 6.0 metre alleyway adjacent to their property."

- "The Building Department has advised :

  1. The application has been reviewed for the proposed zoning change from "D" to "G-3" for 227-229 Maplewood Avenue only.

  2. The two properties known as 227 and 229 Maplewood Avenue are required to be merged together under the same title.

  3. The issuance of demolition permits in the normal manner are required for the two existing dwellings and for the existing accessory buildings.

  4. No part of a public parking lot in a "G-3" District shall be farther from the nearest boundary for a commercial or industrial district than 60.0 m. The proposed public parking lot exceeds this distance.

  5. A landscaped area having a minimum average width of 2.0 m but not less than 1.0 m in width, shall be provided and maintained along the entire street line of the lot. Although a 3.0m setback is shown on the submitted plan, no information with respect to landscaping is provided.

  6. A 1.5m wide planting strip (ornamental shrubs or trees only – no grass) and a visual barrier (1.2m/2.0m in height) are required to be provided along the entire

westerly side lot line and along any portion of the rear lot line which abuts a residential district. The visual barrier must be no closer than 3.0m to the front lot line. No survey has been provided to confirm the location of the alleyway in relationship to the subject property. The location of the alleyway becomes unclear along the northerly portion of the subject lands.

7. All open areas, which are not landscaped, shall be paved, graded or drained to ensure that surface water will not escape to neighbouring lands.

8. It would appear that one or two of the minimum required 6.0m long manoeuvring spaces will not be provided on the same lot on which the parking spaces are located, and will instead be provided partially within the alleyway, which is not permitted.

9. An access driveway is permitted to be provided by means of a right-of-way, therefore proof is required that the alleyway shown is open to the public and that it qualifies as a right-of-way.

10. The access driveway (alleyway) must be at least 5.5m in width. The 15' wide alleyway shown does not conform.

11. Access driveways for non-residential uses must be at least 3.0m from the common boundary with a residential district. As the alleyway is to be utilized as the access driveway and as the zoning boundary line between the commercial and residential districts will be established along the centre of the alleyway, the above mentioned regulations will not be met.

12. Public parking lots are subject to the issuance and maintenance of a municipal licence and are subject to Site Plan Control."

COMMENTS:

1. The proposal does not conform to the Official Plan. The proposed "parking lot" is considered a commercial use and not permitted within the "Residential" designation. Thus , if approved, an Official Plan Amendment is necessary to establish a Special Policy Area to permit a parking lot only in conjunction with lands at 190 Gage Avenue South .

2. The approved Blakeley Neighbourhood Plan designates the subject lands as "Single and Double Residential". If approved a redesignation from "Single and Double Residential" to "Commercial" would be required.

3. The proposal has merit and can be supported for the following reasons:

   - The proposed parking lot will only be used in conjunction with the seniors apartment building at 190 Gage Avenue South to provide additional non-required parking ;

   - It will be appropriately developed with adequate screening and buffering from adjacent residential uses; and,

- The requested zoning is appropriate for the subject development.

4. With respect to the preliminary site plan submitted (see Appendix "C") and the Building Department comments, the following variances are required :

   - To allow the parking lot to be further than 60.0 m for a commercial or industrial district;

   - Requires a planting strip of not less than 1.5 m wide to be provided along the northerly easterly lot line, except for any area used for driveway access;

   - To eliminate the required 1.2 m to 2.0 m high visual barrier along the northerly and easterly lot lines whereas one is required;

   - To eliminate the required planting strip whereas a minimum 1.5 m wide planting strip is required along the entire westerly lot line; and,

   - Permits any access driveway to be within 3.0 m of a residential district.

   The above-mentioned variances are required to ensure an appropriate parking layout. The planting strip and visual barrier is deemed unnecessary since the proposed parking lot is immediately next to the railway lands to the west and an existing alleyway to the north and east. These variances are considered minor in nature and can be supported.

   With respect to the requirement for a 1.5 m wide planting strip along the northerly and easterly lot lines and required manoeuvring for each parking space, the preliminary site plan, as shown on Appendix "C", will require modifications resulting in less parking spaces than shown.

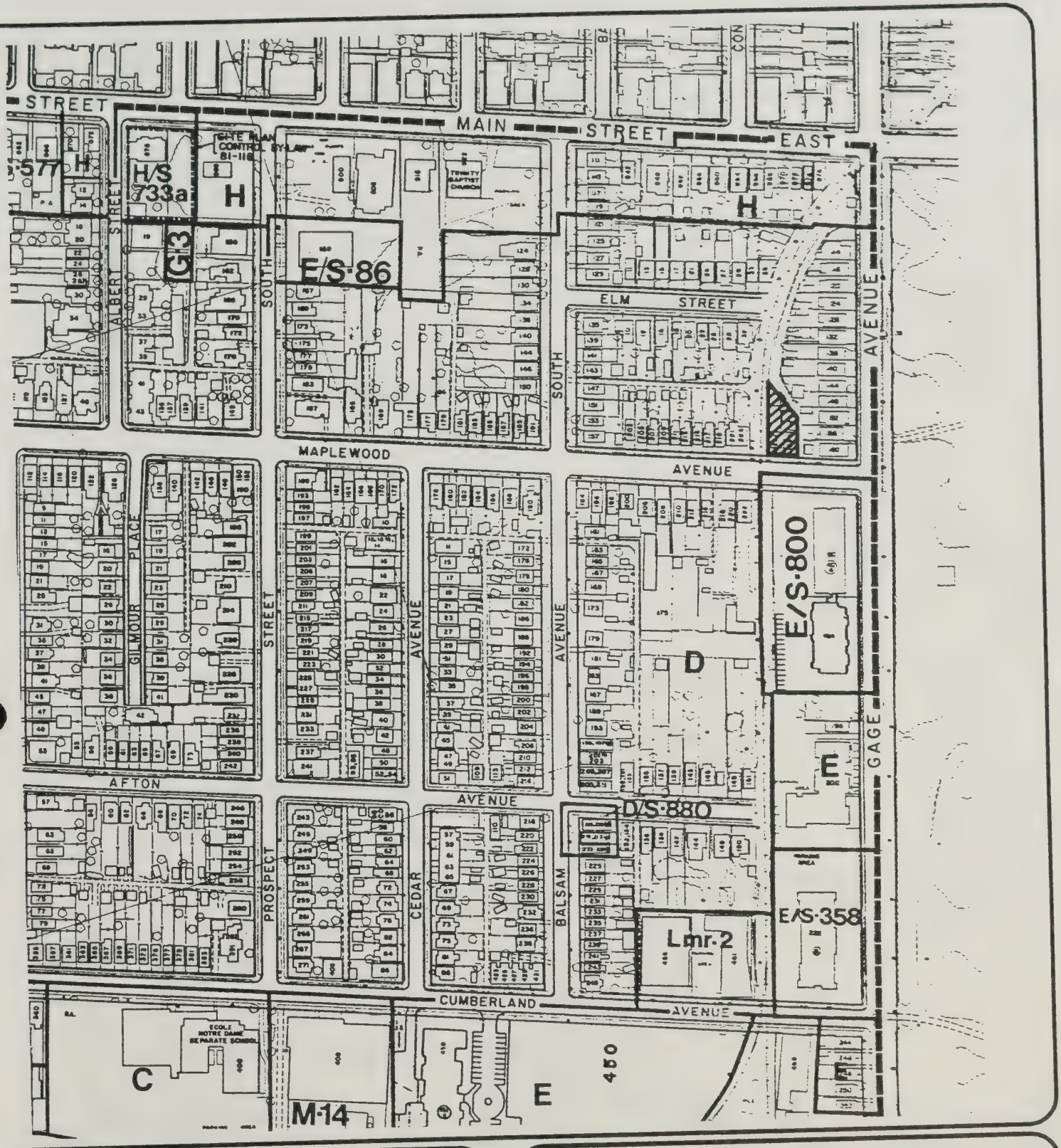
   Furthermore, the Traffic Department has advised that the existing alley which is proposed as the access driveway for the parking lot is substandard, and, if approved, the applicant will be required to dedicate a portion of the subject lands to create a 6.0 m alleyway.

5. The "G-3" (Public Parking Lots) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law 87-223 and 98-173. Matters related to access, landscaping, grading, fencing, lighting, etc. will be reviewed at the site plan approval stage of development. In addition, the tax arrears will have to be brought into good standing.

CONCLUSION:

Based on the foregoing, the proposal can be supported.

JL/mm



Legend

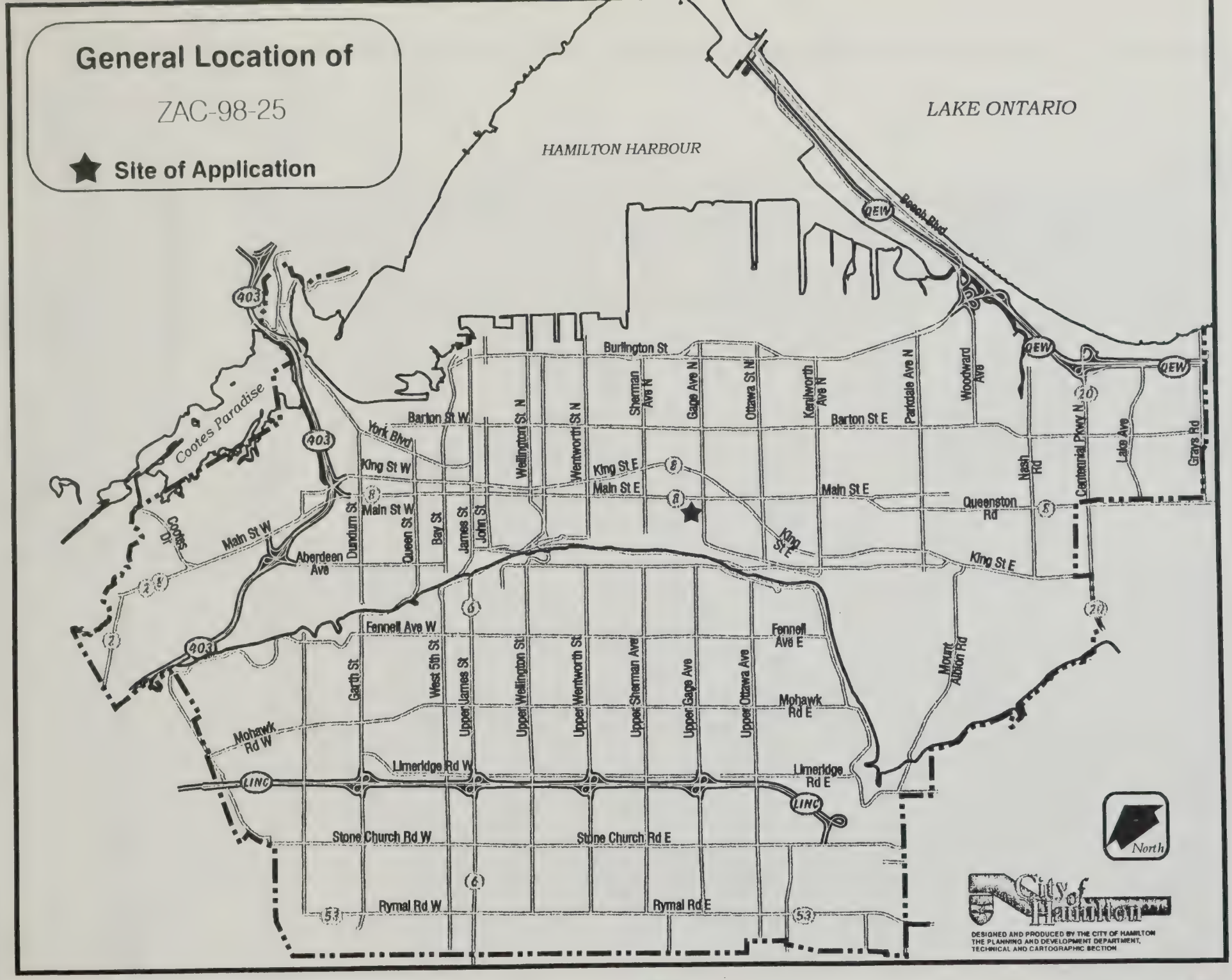
Site of the Application

City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File number
	NOT TO SCALE	ZAC-98-25
	Date	Drawn By
	June 1998	F.A.


General Location of
ZAC-98-25
Site of Application
LAKE ONTARIO
HAMILTON HARBOUR
QEW
Beach Blvd
403
Burlington St
Barton St W
Barton St E
York Blvd
King St W
King St E
Main St W
Main St E
Cootes Paradise
Cootes Dr
Aberdeen Ave
Dundurn St
Queen St N
Bay St
James St N
John St
Wellington St N
Wentworth St N
Sherman Ave N
Gage Ave N
Ottawa St N
Kenilworth Ave N
Parkdale Ave N
Woodward Ave
Nash Rd
Centennial Pkwy N
Lake Ave
Gray Rd
Queenston Rd
Fennell Ave W
Fennell Ave E
Garth St
West 5th St
Upper James St
Upper Wellington St
Upper Wentworth St
Upper Sherman Ave
Upper Gage Ave
Upper Ottawa Ave
Mount Albion Rd
Mohawk Rd W
Mohawk Rd E
Limeridge Rd W
Limeridge Rd E
LINC
Stone Church Rd W
Stone Church Rd E
Rymal Rd W
Rymal Rd E
North
City of Hamilton
DESIGNED AND PRODUCED BY THE CITY OF HAMILTON
THE PLANNING AND DEVELOPMENT DEPARTMENT,
TECHNICAL AND CARTOGRAPHIC SECTION

APPENDIX

PRELIMINARY
SITE PLAN
MAPLEWOOD AVE
GAGE AVENUE
SIDEWALK
15 CARS @ 2.7x6.0M
18.0M
29.0M
1.8M
2.0M
6.0M
TRACK
SIDEWALK

APPENDIX"C"

Copy to D.A. Lychak, City Manager; V. Abraham, Director of Planning and Development; P. Noé Johnson, City Solicitor from T. Agnello, Secretary, Planning & Development Committee.
Date: 1998 Oct 26.

7a)

Fred Noble
215 Maplewood Ave
Hamilton, Ont.
L8m 1X9

OCT 26 1998

To whom it may concern,

I am a resident of Maplewood Ave, and I strongly disagree with the city rezoning D zone Urban Protected Residential, one and two family dwelling to G3, Public Parking Lot. These are just a few reasons for my opposition against the changing of Zones.

1) Maplewood Ave at this time is used as a main street for traffic.

2) This rezoning will add to the traffic on the street making it harder for the elderly to cross the road.

3) When there is a special event at Gage Park individuals will take advantage of the parking lot and then were will the elderly park?

4) We need homes in the neighborhood.

5) As a homeowner mine and all other homeowners value of property will decrease in the area.

6) Why let someone change the zoning are to suit his/her needs because they did not look into the future to see if a problem like this would arise?

7) If the city agrees to this rezoning, the city is going to loose money. Instead of collecting property tax, the owner (of the senior building) will be using this as a tax write off.

8) Is the owner the one that is going to be responsible for removal of the snow, or will it be up to the city?

I thank you for your time and I hope to hear for someone who is able to answer some of the questions that I have.

Sincerely

Fred Noble

2.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 October 13
(OPA 155)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Victor J. Abraham
Director, Planning and Development Department

SUBJECT: Official Plan Amendment - Revised Public Notification Procedures

RECOMMENDATIONS:

A. That approval be given to the proposed Official Plan Amendment to reflect the recent changes to the Ontario Regulations under the Planning Act respecting public notification procedures, on the following basis:

i) Subsection D.9 – Notification and Public Participation Procedure is amended by deleting Policies D.9.1 ii) and iii) and replacing them with the following new policies:

D.9.1 ii) Notification of public meeting(s) for the adoption of the Official Plan and Amendments, changes to the Zoning By-law, Plans of Subdivision and Community Improvement Plans will be given to the public at least 17 days prior to the date of the meeting (s) and the notice will be given in accordance with the applicable requirements of the Planning Act regulations.

D.9.1. iii) Council decisions will take place a minimum of 17 days from the time the first notification is given, for Planning Act applications/procedures identified in Policy D.9.1. ii).

D.9.1 iv) Where a notice of public meeting or written notice of an application is required for Planning Act application, other than those identified in Policy D.9.2.ii), notice will be given in accordance with the applicable requirements of the Planning Act

D.9.1. vi) Notice of the intention of the passing of an amending by-law to remove a holding symbol will be given in accordance with the applicable requirements of the Planning Act.

D.9.1.v) Notice of the passing of an Interim Control By-law will be given in accordance with the applicable requirements of the Planning Act.

(ii) That the Director of the Planning and Development Department be directed to prepare a by-law, to the satisfaction of the City Solicitor, for submission to the Region of Hamilton-Wentworth.

B. That the Council adopted policy regarding sign posting guidelines for Public Notice signs to include the following additional information: date, time and location of the public meeting.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Planning Act requires the Official Plan be amended to conform to the Planning Act regulations.

BACKGROUND:

The Province has adopted new public notification procedures for Official Plans and Amendments, Zoning By-laws and Amendments and Plans of Subdivision.

- **Existing Public Notification Procedure**

  Prior to the amendments to the regulations, municipalities were required to provide notice by either:

  1. publishing the notice of the public meeting in the newspaper; or

  2. mailing notice to all assessed persons within 120 m of the subject lands and posting a sign on the property providing details of the public meeting; or

  3. mailing notice to all owners/tenants within 120 m of the subject lands.

The usual practice for the City of Hamilton is to circulate a notice of a public meeting to all property owners and tenants within 120 metres of the lands subject to an Official Plan Amendment, Zoning By-law Amendment or Plan of Subdivision. In accordance with the Official Plan, notice is given 17 days prior to the date of the public meeting. Accompanying the notice are cards that people can fill out indicating if they are opposed to or in favour of the proposed development.

In addition, it is Council policy to require the posting of a Public Notice sign on a property that is subject of the application. This sign provides an additional mechanism to advise residents when a development proposal is being considered by the City but it does not provide details of the time, date and location of the public meeting.

- **Revisions to the Regulations**

The revised Planning Act regulations were filed on September 14, 1998 and came into effect of October 3, 1998 when they were published in the Ontario Gazette. As such, notices of public meetings must now comply with the revised requirements

- Notification of Tenants

  Public notification is given based on data collected on the provincial assessment roles. As a result of changes to the Assessment Act, the Province no longer collects data pertaining to the occupants and/or tenants. Only information relating to the assessed owner is collected.

  As a result of these changes to the provincial assessment roles, the previous public notification provisions requiring that notice of a public meeting be given to tenants/occupants can no longer be met. The Province has therefore revised the Ontario Regulations to clarify that notice of a public meeting is to be sent to the owner of the property only.

- Method Of Notification of a Public Meeting

  With the elimination of tenant notification, new public procedures have been put in place by the Province.which will allow for greater public awareness of a Planning Act applications. As a result municipalities will have two options only:

  1. publishing the notice of the public meeting in the newspaper; or

  2. mailing a notice to all assessed persons within 120 m of the subject lands and posting a sign on the property providing details of the public meeting.

PUBLIC NOTIFICATION OPTIONS:

In accordance with the revisions to Ontario Regulations 196/96, 198/96 and 199/97, the City of Hamilton has two options for the giving of notice of the statutory public meeting. Notice can be given by either publishing the notice in the newspaper **or** alternatively by mailing notice to all assessed owners within 120 m of the subject lands and posting a sign on the property providing details of the public meeting.

- **Option 1 - Notice in the Newspaper**

  At the present time for City-wide initiatives, notice of the public meeting is published in the Hamilton Spectator. It is noted there are several municipalities in the surrounding area which publish notice of public meetings in the newspaper (e.g. Burlington, Kitchener).

  Compared to the previous procedure of providing notice by mail, the City will incur additional costs (approximately $1,200 for a newspaper ad compared to $300 for an average mailout) As such, this option would result in increased costs to the City of Hamilton or require revisions to application fees to reflect the increased costs. In addition, the mail out cards would no longer be used, making it more difficult to gauge the public opinion for the development.

- **Option 2 - Mailing Notice And Sign Posting**

  By modifying existing procedures, notice of the public meeting could be given by mailing notice to the assessed owners **and** requiring the applicant to post a notice on the property which would include the time, date and location of the public meeting, as well as existing information such as zoning change, applicant name, proposed use, etc.

- **Preferred option**

  The preferred Option is option 2 – the posting of a Public Notice sign and the mail out of a Public Notice to all owners within 120 m of the subject site.

  With respect to the City's current public notification practice, small changes are required. The wording on the Public Notice sign will have to be updated to include the date, time and location of the public meeting. When the applicant submits an OP, zoning by-law or subdivision application, the Department will provide the applicant with a meeting time, date, (90 days from the date the application is deemed complete) and location. The applicant will be required to post the Public notice sign. Similar to the existing procedures, prior to the application being processed, proof the sign was posted with the correct information will be required.

This target is reasonable since the Planning Act requires the applications to be heard by the Committee within 90 days of receiving a completed application. The council adopted policy regulating the posting of the sign must be amended to include this new information

For the information of the Committee, 29 of the 39 applications that have been received in 1998 have been heard by or scheduled for a Planning and Development Committee meeting. Of the 29 applications processed, 25 applications were processed in less than 90 days. The average processing time has been 71 days.

It should be noted there are both advantages and disadvantages/inconveniences to this option:

Advantages:

- The posting of a public notice sign is considerably cheaper ($1,200 vs. $300) then placing an ad in the newspaper.

- the posting of the sign and the mailout will allow the Committee to continue with the practice of mail out cards. It should be noted there will be fewer cards mailed out since tenants will no longer be notified due to the changes in the Planning Act regulations.

Disadvantages

- if an application can not be heard by the Planning and Development Committee by the date on the sign or if the application is tabled or is required to be recirculated, then the applicant will be required to correct the meeting date on the sign;

This new sign posting method will be done on a six month trial basis to determine if this is the most appropriate method of public notification. These procedures will not be in effect until such time as the OPA is approved which is likely by the end of the year. The public meeting notices will be published in the newspaper for the remainder of the meetings in 1998.

OFFICIAL PLAN AMENDMENT AND PROCEDURES

Section D.9 - Notification and Public Participation Procedures of the Official Plan specifies the method of public notification for various applications under the Planning Act. As a result of these changes, The OP has to be changed to bring it in conformity with the new regulations.

In addition, the Province has also made a series of technical amendments to Ontario Regulations 196/96, 198/96 and 199/97 in addition to the changes regarding public

notice. Of these changes, the most significant is that the City of Hamilton must now include a copy of the proposed Official Plan Amendment when the Region of Hamilton-Wentworth is notified of the public meeting.

COMMENTS

1) Under the provisions of the Planning Act, notice of a public meeting must comply with both the Official Plan and the applicable regulations. At the present time, there is a conflict between the requirements of the City of Hamilton Official Plan and the Planning Act. As such, and as an interim measure, it will be necessary to provide notification of the public meetings of the Planning and Development Committee in the newspaper. This is to ensure that notice is given in accordance with the City of Hamilton Official Plan and the applicable Ontario Regulations.

2) The preferred public notification procedure is to require that a Public Notice sign be posted on the property which will include the purpose of the application, the time, date and location of the public meeting **and** mail out a notice of public meeting to all owners within 120 m of the subject site. As such, the Council adopted policy on sign posting has to be modified to include the new public meeting notice requirements.

CONCUSION:

Based on the above, the Official Plan amendment should be adopted to ensure the public notification procedures are brought into conformity with the Planning Act and modify the Council adopted policy respecting public notice signs.

JHE/SR

3.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 October 23

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: D. Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Amendment to the Downtown Hamilton Community Improvement Plan to Implement Revised Criteria for The Renovate/Convert-to-Residential Loan Program.

RECOMMENDATION:

a) That the section titled "Maximum Loan" of Appendix 'A' to the Downtown Hamilton Community Improvement Plan adopted by By-law 97-140 and subsequently amended by By-law 98-212, that describes the terms of the Hamilton Downtown Convert/Renovate-to-Residential Loan Program, be repealed and replaced with Schedule 'A' attached;

b) That the amendment to the Downtown Hamilton Community Improvement Plan be submitted to the Ministry of Municipal Affairs and Housing for the appropriate approval;

c) That the City Solicitor be authorized to prepare the requisite By-law for (a) above.

L. Lutt-Eagland

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Council at its meeting held 1998 September 29 approved the changes to the existing Hamilton Downtown Renovate/Convert-to-Residential Loan Program as described in the attached Schedule 'A'.

Funding for the Program is contained in Account Centre Number CH 00369

In accordance with the Planning Act, Section 28, the City of Hamilton must designate a Community Improvement Project Area and corresponding Community Improvement Plan in order to offer loans and grants to property owners. The Planning Act, Section 28, dictates a process for approval of the C.I.P. that includes a public meeting of the Planning and Development Committee and approval of the C.I.P. by the Ministry of Municipal Affairs and Housing. It also dictates that any amendments of a C.I.P. are also carried through the process described above. In 1997 the Downtown Hamilton Community Improvement Plan adopted by By-law 97-140 was approved by the Ministry of Municipal Affairs and Housing. Subsequently amendments were made to the Plan which are presently with the Ministry for approval. Due to the revision in the criteria recently approved by City Council the Plan must again be amended in accordance with the Planning Act, Section 28 in order to offer the Renovate/Convert-to-Residential Loan Program with the recent amendment.

BACKGROUND:

At its meeting held 1998 September 28, City Council approved the following amendment to the City of Hamilton's Renovate/Convert-to-Residential Loan Program: "replace the maximum eight (8) units per deeded property with a maximum of $500,000 per deeded property".

The amendment to the loan guidelines will provide an incentive to a wider range of owners for the conversion of properties to residential within our Downtown Core. The creation of residential dwellings is understood to be an essential ingredient towards the successful revitalization of our Downtown Core.

DL:HM:hm

P&Dcon.Amend.

c.c. P. Noe Johnson, City Solicitor
Attn: L. Farr, Solicitor

A. Ross, City Treasurer

M. Mascarenhas, General Manager Loans & Grants

SCHEDULE 'A'

MAXIMUM LOAN:

The lesser of cost or $12,000 per unit maximum for units 600 sq. ft. or less. Unit size in excess of 600 sq. ft., per unit, qualifies for additional assistance at the rate of $20 per sq. ft. to a maximum of $20,000. Loans are for a maximum of $500,000 per deeded property.

4.

October 26, 1998

Ms. Tina Agnello
Secretary, Planning and Development Committee
Corporation of the City of Hamilton
City Clerk's Office
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Dear Ms. Agnello:

Re: Commercial Property Improvement Loan Program.

The Business Improvement Area and Business Association Co-ordinating Committee would like to request permission for a delegation to speak at the Planning and Development Committee meeting scheduled for 1998 November 04 on the subject Program.

At its meeting held 1998 October 06, the Business Improvement Area and Business Association Co-ordinating Committee discussed the recent approval by the City of Hamilton for financially assisting the conversion of a building within Hamilton's Downtown core utilizing monies from various City of Hamilton loan and grant programs. While members of the Committee support the revitalization of Hamilton's Downtown Core, members are specifically concerned that $150,000 is being allocated for the project from the Commercial Property Improvement Loan Program.

In 1993 City Council approved the re-allocation of $500,000 from the Commercial Improvement Program - a Program for streetscape improvements within Business Improvement Areas - to the Commercial Property Improvement Loan Program - a program to help

commercial property owners rehabilitate the exterior and interior of their buildings within B.I.A. boundaries.

In July 1998 City Council approved the expansion of the Commercial Property Improvement Loan Program which would allow loans to be offered to tenants of commercial buildings within Hamilton's B.I.A.'s. To date approval of the amendments to the Community Improvement Plans has not been received from the Minister of Municipal Affairs and Housing and members of B.I.A.'s that are interested in applying under the tenant component have been advised that applications are not being taken until Ministerial approval is received.

The Business Improvement Area and Business Association Co-ordinating Committee would like assurance that monies in the Commercial Property Improvement Loan Program are not exhausted through the implementation of large projects within a specific area but rather, are available for all of Hamilton's B.I.A. members that meet the criteria.

Thank you for your consideration of this request.

Yours truly,

H. Milsome
Secretary, Business Improvement Area and
Business Association Co-ordinating Committee
LetterP&DBIA

5.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 October 23

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
30 NORFOLK STREET NORTH - Tag Number 11364
(98.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 30 Norfolk Street North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C/S-1335, 1335a

PRESENT USE: Single Family Dwelling

PROPOSED USE: Garden

BRIEF DESCRIPTION: On October 15, 1998, this Department received a request for the owner of the property (Helen Love-Jones) to send the demolition permit application back to Planning and Development for review. This application was previously reviewed and tabled by the Planning and Development Committee on October 22, 1997.

Please be advised of the following history of 30 Norfolk Street North.

The previous owner, Mark Cole, was previously denied a building permit for 30 Norfolk Street North in 1994, for conversion to a two family dwelling under Bill 120. The plans submitted proposed a lodging house rather than a two-family dwelling. The plans and application were returned to the owner and the permit fee was refunded.

It should be noted that 28 Norfolk Street North and 30 Norfolk Street North are owned by Helen Love-Jones and the two (2) municipal properties include three (3) separate lots in a registered plan. We consider 28 Norfolk Street North to be composed of Lots 116 and 117 and is 60' x 100'. We consider 30 Norfolk Street North to be composed of Lot 118 and is 30' x 100'.

Under Site Specific By-Laws 95-02 and 95-033, no buildings or structures shall have a gross floor area greater than the area within the district of the lot on which it is situate, multiplied by the floor area ratio of 0.45. The lot area of 30 Norfolk Street North is 3000 ft^2. As Lot 118 is an entire lot in a plan of subdivision, this lot could be sold without a severance and developed in accordance with all applicable Zoning By-Laws.

The agent for the present owner proposes, as per the demolition permit application, to demolish the existing one and a half storey single family dwelling and use the vacant land as a garden. Any uses proposed on vacant Lot 118 would have to comply with Zoning By-Law 6593, as amended. In this regard, a garden would be permitted as it is a use not restricted under Section 3 of Zoning By-Law 6593.

The dwelling is located in the Ainslie Wood North Neighbourhood (please see attached neighbourhood map). The existing dwelling, according to the Builidng Department's site inspection, is in good condition and is structurally sound (please see attached photographs).

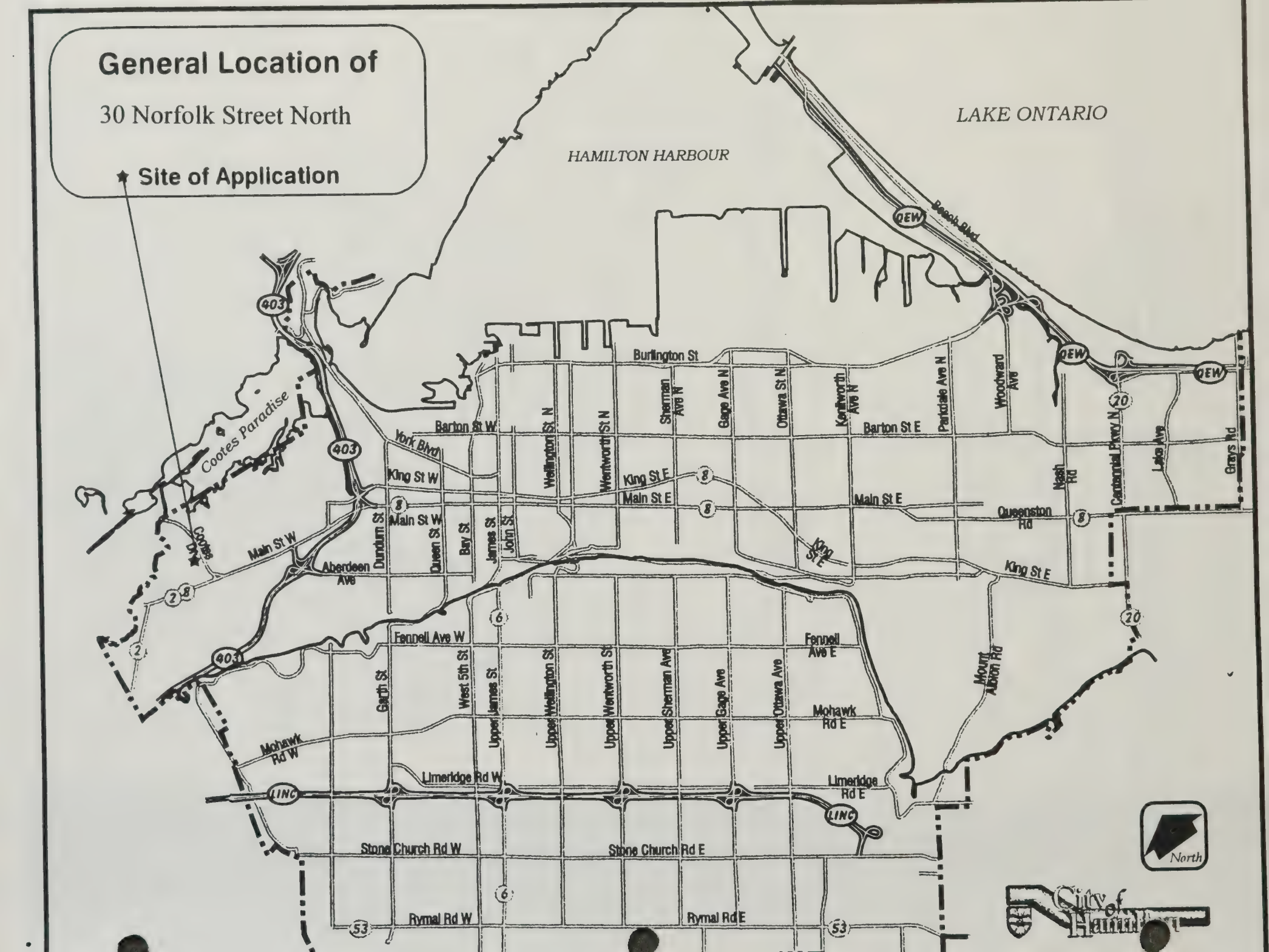
Please be advised that two (2) previous demolition permit applications for 30 Norfolk Street North were denied by Council on December 12, 1995 and April 6, 1996.

No LACAC interest. Lot size 30' x 100'.

The owner of the property and applicant as per the demolition permit is:

Helen Love-Jones
805 Alberton Road South
Jerseyville, Ontario L0R 1B0

FP/zr


General Location of
30 Norfolk Street North
Site of Application
LAKE ONTARIO
HAMILTON HARBOUR
QEW
Beach Blvd
403
Burlington St
Barton St W
Barton St E
York Blvd
King St W
King St E
Main St W
Main St E
Queenston Rd
Aberdeen Ave
Dundurn St
Queen St N
Bay St
James St N
John St
Wellington St N
Wentworth St N
Sherman Ave N
Gage Ave N
Ottawa St N
Kenilworth Ave N
Parkdale Ave N
Woodward Ave
Nash Rd
Centennial Pkwy N
Lake Ave
Grays Rd
Cootes Paradise
Cootes Dr
Fennell Ave W
Fennell Ave E
Mohawk Rd W
Mohawk Rd E
Limeridge Rd W
Limeridge Rd E
LINC
Stone Church Rd W
Stone Church Rd E
Rymal Rd W
Rymal Rd E
Garth St
West 5th St
Upper James St
Upper Wellington St
Upper Wentworth St
Upper Sherman Ave
Upper Gage Ave
Upper Ottawa Ave
Mount Albion Rd
North
City of Hamilton



3 29 / 4 1 2 This is not a Legal Document For Zoning Verification Please Contact City Building Department	CITY OF HAMILTON **AINSLIE WOOD NORTH** **ZONING**
Neighbourhood Boundary Zoning Boundary	0 100m SCALE 50m NORTH
Prepared for The City of Hamilton by the Planning and Development Department	PLANNING UNIT NO 6907 PAGE NO 3

6.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 October 28
CI-83-B

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

SUBJECT: 1998 Planning Application Fees

RECOMMENDATION:

a) That the proposed Planning Tariff Fees for planning applications, as contained in Appendix "A" be approved;

b) That the City Solicitor be directed to further amend By-Law 97-084 to incorporate the new fee structure; and,

c) That Planning and Development Department staff be directed to participate in ongoing liaison with the HHHBA to review total fee charges for the housing industry and other ongoing planning issues and concerns.

V. J. Abraham

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The proposed increase in revenues will add an annual estimated budget increase of $36,270.

BACKGROUND:

On July 7, 1998, Committee of the Whole tabled recommended increases to Planning Application Fees until there was consultation with the Hamilton Halton Home Builders Association (see

Appendix "B", the previous report). On July 16, 1998, Joe Pavelka, Paul Mallard, and Bill Janssen met with the Development Council of the HHHBA to discuss the proposed fees.

In general the HHHBA identified the following concerns with any fee increases:

- The need for the establishment of a Liaison Committee with the Planning and Development Department to discuss initiatives, such as fee increases, through ongoing consultation and discussions.

- There needs to be a better understanding of all government fees and charges related to housing construction. While the planning fees themselves do not cause any undo hardship, total government fees and charges have a substantial impact on the industry. Fees should be considered as part of the total charges, not in isolation.

- Fees for Planning processes that require both Region and Local approvals are viewed as "double dipping" and cannot be justified. For example, both Subdivision and Condominium approvals require City and Regional fees for review and processing. No action should be taken on increasing these types of fees until government structure can be revised to eliminate duplication.

Consequently, City staff advised the HHHBA it would withdraw its recommendation to increase any non-local fees.

Generally, the HHHBA felt that fee increases for those planning approvals of local jurisdiction, specifically Official Plan Amendments, Zoning By-law Amendments, and Site Plan approvals, were comparable to rates within the Region and other municipalities in Southern Ontario. Furthermore, the HHHBA indicated that it was opposed to any fee increases in principle. However, as evidenced by the attached copy of an article from the September issue of the "Foundation", the HHHBA understands the City would proceed with only the local fee increases (see Appendix "C").

COMMENTS:

On the basis of the above, steps should be undertaken to better understand the costs of development charges to the housing industry, and to establish ongoing local planning liaison with the HHHBA. Local Fees can be increased as previously recommended (see Appendix "A").

These fees will increase revenues by approximately $36,270 annually.

CONCLUSIONS:

The proposed revenue increases for Official Plan Amendments, Rezoning and Site Plan

Approvals should be approved as:

- they are comparable to other municipalities;
- they comply with Council's position to move towards 100% cost user fees; and,
- they are considered reasonable by the HHHBA.

In addition, Planning staff should be directed to participate in ongoing liaison with the HHHBA.

c:\w\storage\reports\1998plan.fee

BJ:FD

APPENDIX "A"
PLANNING FEES

APPLICATIONS	CURRENT FEE	CONSULTANT RECOMMENDED FEE	PROPOSED FEE	FEE INCREASE	ESTIMATE # OF APPLICATIONS	FEES GENERATED
1. Rezoning						
• Routine	$ 900	$1,300	$1,200	$300	10	$ 12,000
• Complex - Phase I	$1,165	$1,680	$1,500	$335	30	$ 45,000
- Phase II	$ 635	$ 915	$ 800	$165	20	$ 16,000
Sub-Total						**$ 73,000**
2. Official Plan Amendment						
• Phase I	$1,165	$1,950	$1,500	$335	10	$ 15,000
• Phase II	$ 635	$1,925	$ 800	$165	8	$ 6,400
Sub-Total						**$ 21,400**
3. Site Plan Control						
• Site Plan Applications	$1,160	$2,040	$1,500	$340	35	$ 52,500
• Revisions to Plans	$ 425	n/a	$ 550	$125	5	$ 2,750
• Preliminary Review	$ 425	n/a	$ 550	$125	5	$ 2,750
• Exemption Requests	$ 80	n/a	$ 150	$ 70	30	$ 4,500
Sub-Total						**$ 62,500**

"APPENDIX B"

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 July 2
(CI-83-B)

REPORT TO: J. J. Schatz, Secretary
Committee of the Whole

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

J. G. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: 1998 Planning Application Fees (P&D)

RECOMMENDATIONS:

a) That the proposed Planning Tariff fees for planning applications, as contained in Appendix "A" be approved; and,

b) That the City Solicitor be directed to further amend By-law 97-084 to incorporate the new fee structure.

c) That the union position deleted by Committee of the Whole, at its meeting of June 16, 1998 be reinstated based on the anticipated workloads and because the budget requirement to be met by the Planning and Development Committee will be offset by the $55,015 increase in planning fees.

V. J. Abraham

J. G. Pavelka
for

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The proposed increase in revenues will add an additional $55,015 to the Planning and Development Department 1998 Current Budget. This represents a 34.3% increase from the 1997 Current Departmental Budget. This increase will be provided through fee increases.

BACKGROUND:

Consultant's Report

In 1994, a consultant report on user fees was received by Council. At that time, it was recommended that the fees be increased to a level to cover 100% of costs of the delivery of the service. The fees were not significantly increased at that time, as there were concerns they would adversely impact development in the City. Since that time, there have been only inflationary increases in our planning fees. An August 1997 report on Condominium and Subdivision fees was tabled, to await the results of delegation of approvals from the Region, which remains to be resolved.

COMMENTS:

Area Municipal Survey

A survey of nine Ontario municipalities was undertaken for the purposes of fee comparison (see Appendix B).

The proposed fee increases for the City of Hamilton are comparable to existing fees within other cities, and, in some cases they are lower.

Hamilton Circumstances

Appendix "A", outlines the current and proposed fees, which are needed to meet the 1998 Current Budget requirements as approved by Council. It also shows the annual revenues to be achieved in 1998. These fees provide the required revenues for the Department and as a result, better reflect the costs of processing Planning applications and providing services.

In the City, residential development activity has improved over the last three years, particularly for singles and rows (see below).

Housing Starts

Year	Singles	Semis	Row	Apts	TOTAL
1995	248	0	91	209	548
1996	346	2	88	0	436
1997	460	6	224	32	722

Source: CMHC

Staffing Complement

On June 16, 1998, Committee of the Whole, and Council approved the deletion of two staff positions from the Planning and Development Department; one a manager's position, the other a union position (see Appendix "C"). Efforts are now underway to finalize the deletion of the management position.

Deletion of the union position will result in service reductions, through increased time in processing applications and delays in long term projects as work is redistributed within the Department.

As a result, it is proposed that the planning fees be increased to generate additional revenue, which will offset the need for the deletion of the union position previously approved by Council.

SUMMARY:

The revenue increases merit consideration since:

- they are comparable to other municipalities;
- they avoid service impacts as a result of deletion of a position; and,
- they comply with Council's position to move towards 100% revenue for those services for which only a few people benefit.

CONCLUSION:

On the basis of the above, the revenue increases outlined in Appendix "A" should be adopted and the union position approved for deletion be retained.

c.c. J. Pavelka
A. Ross
P. Noé Johnson
L. King

APPENDIX "A"
PLANNING FEES

APPLICATIONS	CURRENT FEE	CONSULTANT RECOMMENDED FEE	PROPOSED FEE	FEE INCREASE	ESTIMATE # OF APPLICATIONS	FEES GENERATED
1. Rezoning						
• Routine	$ 900	$1,300	$1,200	$300	10	$ 12,000
• Complex - Phase I	$1,165	$1,680	$1,500	$335	30	$ 45,000
- Phase II	$ 635	$ 915	$ 800	$165	20	$ 16,000
Sub-Total						$ 73,000
2. Official Plan Amendment						
• Phase I	$1,165	$1,950	$1,500	$335	10	$ 15,000
• Phase II	$ 635	$1,925	$ 800	$165	8	$ 6,400
Sub-Total						$ 21,400
3. Site Plan Control						
• Site Plan Applications	$1,160	$2,040	$1,500	$340	35	$ 52,500
• Revisions to Plans	$ 425	n/a	$ 550	$125	5	$ 2,750
• Preliminary Review	$ 425	n/a	$ 550	$125	5	$ 2,750
• Exemption Requests	$ 80	n/a	$ 150	$ 70	30	$ 4,500
Sub-Total						$ 62,500

4. Plan of Subdivision						
• Simple	$ 570	$1,950	$1,000 plus $10/ lot & $75/ block	$430 plus	2	$ 2,720
• Complex	$1,035	$2,500	$2,000 plus $20/ lot & $150/ block	$965 plus	2	$ 5,440
• For subdivisions received before March 28, 1995	$ 360	$ 750	$ 750	$390	1	$ 750
• For subdivisions received after March 28, 1995	$ 360	n/a	$1,050	$690	1	$ 1,050
• Ext. Draft Plan of Sub.	$ 185	$ 180	$ 185	$0	1	$ 185
• Administration fee for files over 5 years old	0	0	$ 200	NEW	20	$ 4,000
Sub-Total						**$14,145**
5. Plan of Condominium						
• New Building	$ 570	$1,400	$750 plus $10/ unit	$190 plus	5	$ 4,750
• Conversion - Phase I	$1,015 plus $20/ unit (max $800	No Increase	$1,015 plus $10/ unit	0	10	$ 12,500
• Conversion - Phase II (Prior to June 17, 1998)	$ 255		to be deleted	0	3	$ 765
• Revision to Condominiums	$ 360	$ 750	$ 750	$390	0	---

Sub-Total						$18,015
6. Part Lot Control						
- Applications	$ 510	$ 360	$ 510	$0	8	$ 4,080
- Extensions	$ 255	n/a	$ 255	$0	2	$ 510
7. Property Reports						
• Property Reports	$ 85	$ 80	$ 85	$0	5	$ 425
• Change of Municipal Number/Additional Tenant Addresses	$ 85	n/a	$ 85	$0	8	$ 680
8. Notice Recirculation						
	$ 260	n/a	$ 260	$0	2	$ 520
9. Street Name Change						
	$4,220	$4,155	$4,220	$0	0	---
10. Neighbourhood Plan and Modified N. Plan						
	$1,140	n/a	$1,140	$0	0	---
Sub-Total						$195,275
PLANNING SERVICES						
1. Sale of Maps and Services			New			$ 5,000
2. Committee of Adjustment Maps			New			$ 15,000
TOTAL						$215,275

SERVICE	ANCASTER	DUNDAS	FLAMBOROUGH	GLANBROOK	HAMILTON *	STONEY CREEK	LONDON	MISSISSAUGA	OAKVILLE	BURLINGTON
1. Rezoning										
- Routine	$1,000		$1,370		$1,200	$1,725				
- Complex -Phase 1	$1,500	$1,200	$1,690	$1,500	$1,500	$2,000	$1,700 + $50 (1-5 ha.) + $1,000 (5+ ha.)	$1,500 + 50% of processing fee	res. $1,600 + $60/unit, non res. $1,600 + $16/100m2 gfa or $1,600 + $6.50/100m2 site area	City $870, Region $500
- Complex - Phase 2				$1,000	$800					$290
- Rem. of Holding Prov.							$150			
- Ext. of Temp. Use By-law							$600			
- Processing fee								$761/gr. ha., min. $761 max. $11,035		
2. Official Plan Amendment	$2,250	$2,000	$2,210	$2,000		$2,255	$1,550		res. $1,600 + $60/unit, non res. $1,600 + $16/100m2 gfa or $1,600 + $6.50/100m2 site area	City $1,160, Region $2,550
- Phase 1					$1,500					
- Phase 2					$800					
- Combined OPA & Rezoning		$3,000		$3,500		$3,375	$2,200 + $50 (1-5 ha.) + $1,000 (5+ ha.)		res. $2,100 + $95/unit, non res. $2,100 + $26/100m2 gfa or $2,100 + $7.50/100m2 site area	
3. Site Plan Control						N/A				
- applications	sf $750 others $1,650	1 &2 fam. $265 apts. $265 + $55 up to $3,150 alter exist. comm. or ind. 525 new com/ind dev. $790	$750	$1,000	$1,500		$300 + $25 for each residential unit in excess of 10	corner lot $150/lot residential detached $500/app. All other $750 + 50% of processing fee	1&2 fam. $250, mult. $80/unit, non res. $1,000+$30/100m2 gfa	comm & office. $722 + $11/100m2 gfa., mult. $722 + $26/unit over 20
- revisions to plans	minor $100, major $200	< 3 units $55, others $185	$175		$550			165	1&2 fam. $100, mult. $300	
- preliminary review					$550					
- exemption requests					$180					
- processing fee								$1,670/gr.ha. min $902., max. $11,189		

** Proposes City of Hamilton fees*

Application Fees

APPENDIX "B"

SERVICE	ANCASTER	DUNDAS	FLAMBOROUGH	GLANBROOK	HAMILTON *	STONEY CREEK	LONDON	MISSISSAUGA	OAKVILLE	BURLINGTON
4. Plans of subdivision	$3,250 + $20 per unit/lot	$2,100 + $20 /lot		$1,000 + $10/lot		$2,500 + $250/ha. In excess of 4ha.	$2,200 + $300/ha.	1500 +50% of processing fee	res. $1,600 + $60/unit, non res. $1,600 + $18/100m2 gfa or $1,600 + $6.50/100m2 site area	actual cost basis, min. $3,000 + $290/ha. deposit to a max. of $5,808
- simple					$1,000 + $10/lot					
- complex					$2,000 + $20/lot/$150 blk.					
- admin. of files over 5 years										
- revisions					$750 - $1,050					
- ext. of draft plan approval					$185					
- processing fee								$320/gr.ha., min $1,504, max $20,736		
- Comb. OPA, Rezoning & Plan of Subdivision									res. $2,600 + $105/unit, non res. $2,600 + $31/100m2 gfa or $2,660 + $8.50/100m2 site area	
- Comb. Rezoning & Plan of Subdivision										
i) Rezoning										
- phase 1										$406
- phase 2										$290 + subdivision fee
5. Part Lot Control									$500	$1,081 + $116/unit over 5
- applications	$450	$450			$510	$700	$200	$1,000 + $50/lot created		
- extensions					$255	$250				

* *Propo[illegible]ty of Hamilton fees*

1998 Current Budget Adjustments Approved by Committee of the Whole, June 16, 1998

Ref	Dep't	Description		
1	Various	Modified Severance Funding	-$	534,040
2	Building	Licencing Trsfer to Building	-$	13,290
3	Legislat.	To be determined	-$	39,950
4	Clerks	Print/Mail Adjustments	-$	54,990
5	Fire	Staffing Reduction	-$	331,110
6	Info. Sys.	Reallocation of R&D - 50/50 with Region	-$	117,000
7a	C&R	Targeted daily closures of certain facilities	-$	111,950
7b	C&R	Ski Hill - transfer to Region or Close	-$	268,920
7c	C&R	Restructuring	-$	265,000
8a	Planning	Private & Confidential	-$	40,260
8b	Planning	Private & Confidential	-$	25,620
9	PW / T	Sewer Maintenance Program - transfer to Region or delete	-$	164,250
10	Treasury	Private & Confidential	-$	60,000
11a	Financ'ls	Supplementary Assessment Fee	-$	290,000
11b	Financ'ls	WCB / Sick Leave Unfunded Liab	-$	500,000
			-$	2,816,380

HAMILTON-HALTON HOME BUILDERS' ASSOCIATION
FOUNDATION
THE OFFICIAL VOICE OF THE HHHBA SEPTEMBER 1998

Planning & Development Fee Increases

The HHHBA Hamilton Liaison Committee has been working with the City over the past several years to streamline the approval process and to maintain a fee structure that is acceptable, both to the City and to the building industry. Without notice to the HHHBA office, a By-law was placed on the Committee of the Whole agenda that proposed to increase planning application fees to cover 100% of the cost of the delivery service.

Routine rezoning applications were to increase from $800 to $1,200 (37.5%), official plan amendments from $1,165 to $1,500 (28.6%) and site plan applications up from $1,160 to $1,500 (29.3%).

Thanks to the intervention of the HHHBA, the item was deferred to allow for further discussion. Subsequently, three Hamilton Municipal Staff were invited to attend the July HHHBA Development Council. After much debate, City Staff agreed to initiate a comprehensive review of the fee structure for applications that involved both the Region and Hamilton (i.e., subdivisions and condominiums).

However, Staff intended to move forward with the planned increases for municipal matters (i.e., official plan and zoning by-law amendments, site plan approval). Since that meeting, we have been advised that the Region has been requested to review subdivision and condominium fees.

APPENDIX "C"

P+D 1998 Sept 29 – deputed on tic 1998 Sept 23 – Tabled.
Council 1998 Sept 29 – referred back.

CITY OF HAMILTON

7a)

- RECOMMENDATION -

SEP 1 5 1998

DATE: September 10, 1998
CDM-CONV-98-010
Raleigh Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

SUBJECT: Proposed Draft Plan of Condominium -
Condominium Conversion, 893 Concession Street

RECOMMENDATIONS:

(1) That Condominium Conversion Application CDM-CONV-98-010 (Regional File 25CDM-98013), Lapa Investments Ltd., owner, to establish a draft plan of condominium located at 893 Concession Street, as shown on APPENDIX "A", be denied for the following reasons:

(i) the proposal is premature until such time the Hamilton Mountain rental sub-market area is in a competitive, balanced situation; and,

(ii) the proposal would adversely affect the adequate provision of a full range of housing; and,

(iii) the proposal conflicts with criteria (i) and (ii) of the Condominium Conversion policy established by City Council on May 26, 1998.

(2) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

V. Abraham

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

Lapa Investments Ltd., owner.

Surveyor:

M.J. Terry O.L.S., A.J. Clarke and Associates Ltd.

Location:

Known municipally as 893 Concession Street the subject property is 0.096 ha in size and contains a 4-storey apartment structure constructed in 1974 (see APPENDIX "B").

Proposal:

The owner is proposing to convert the existing 22 unit rental residential apartment building to condominium status (see APPENDIX "A"). The bedroom count and vacant units as of June, 1998 are as follows:

One-Bedroom	-	16 (2 vacant)
Two-Bedroom	-	6 (1 vacant)
Total	-	22 (3 vacant)

CURRENT POLICY AND DEVELOPMENT FRAMEWORK:

Hamilton-Wentworth Official Plan:

The lands are identified as "Urban" within the "Urban Policy Areas" of the Hamilton-Wentworth Official Plan (HWOP). The proposal does not conflict with the intent of the HWOP.

Hamilton Official Plan:

1. Land Use Designation

The subject lands are designated "Residential", according to Schedule "A" - Land Use Concept. The proposal does not conflict with the intent of the Official Plan.

2. Condominium Conversion Policies - Official Plan Amendment No. 151

At the time this application was formally accepted as complete by the Region of Hamilton-Wentworth on June 30, 1998, the City was in the process of establishing Official Plan policies addressing the issue of condominium conversions and demolitions of rental housing. Appendix "C" provides a detailed chronology of this initiative.

Official Plan Amendment No. 151 was forwarded to the Region of Hamilton-Wentworth for approval on July 22, 1998. A staff report recommending approval of the Amendment was approved by Regional Council on August 12, 1998. On September 3, 1998, notice of appeal to the Ontario Municipal Board (OMB) of the approval of OPA 151 was submitted to the Region; a hearing date has yet to be established by the Board.

Accordingly, OPA No. 151 will not be in effect until the day after all appeals have been withdrawn or dismissed by the Board.

Neighbourhood Plan:

There is no Neighbourhood Plan for the Raleigh Neighbourhood.

Zoning:

The subject lands are zoned "E" (Multiple Dwellings, Lodges, Clubs, Etc.) District. The Building Department has commented as follows:

"COMMENTS:

1. The recognized use is a twenty-one (21) unit multiple dwelling and one (1) medical office with a total of twenty-six (26) parking spaces contained within the building and at grade in the rear yard.

2. The proposed use of a twenty-two (22) unit multiple dwelling requires a minimum of twenty-eight (28) parking spaces and one (1) loading space (3.7m x 9.0m x 4.3m).

If the required parking and loading is not provided, Committee of Adjustment approval of variances is necessary."

City's Condominium Conversion Policy:

As part of the background preparatory work for the adoption of the Official Plan Amendment No. 151, Council adopted a formal Condominium Conversion policy on May 26, 1998. This was done to assist in the evaluation of proposed conversions to condominium until such time as the Official Plan Amendment was approved by Council. The key facet of this Council policy states:

> *"To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment and/or townhouse units comprised of six or more units will be permitted provided all of the following criteria are met:*

(i) the rental vacancy rate by dwelling/structure type for the City and the respective local housing market zone has been at or above 2.0% for the preceding twenty-four (24) months;

(ii) the proposed conversion will not reduce the rental vacancy rate by dwelling/ structure type to below 2.0% for the City and the respective local housing market zone; and,

(iii) the existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling/structure type."

The subject property is located within the "Hamilton Mountain" local housing market zone of the Condominium Conversion policy. This City-defined market zone correlates identically with the sub-market area "Zone 6 - Hamilton Mountain" utilized by Canada Mortgage and Housing Corporation (CMHC) for their annual Rental Market Survey, which is conducted every October. The relevant rental apartment market statistics for Council's Condominium Conversion policy are as follows:

Condominium Conversion Policy
Statistical Market Analysis

Rental Apartment Vacancy Rate - Criteria (i):

	City of Hamilton	Hamilton Mountain
October, 1996	2.45%	1.31%
October, 1997	3.51%	1.66%

Impact on Apartment Vacancy Rate - Criteria (ii):

	City of Hamilton	Hamilton Mountain
Pre-Conversion	3.51%	1.66%
Post-Conversion	3.50%	1.62%

Average Market Rents - Criteria (iii):

	Unit Count	893 Concession (June/98)	City of Hamilton (Oct/97)	Hamilton Mountain (Oct/97)
One-Bedroom	16	$515	$498	$510
Two-Bedroom	6	$645	$603	$611
Total	22			

Data Sources: Canada Mortgage and Housing Corporation (CMHC) and Lapa Investments Ltd.

Criteria (i) of Council's Condominium Conversion policy requires that the rental vacancy rate for the City and the respective local housing market zone must have been at or above 2.0% for the preceding twenty-four (24) months. The proposed condominium conversion at 893 Concession Street fails this test as the rental apartment vacancy rate within the Hamilton Mountain local housing market zone as at October, 1997 was recorded at 1.66%. Moreover, the rental apartment vacancy rate has not been at or above 2.0% within the Hamilton Mountain local housing market zone since October, 1977.

Criteria (ii) of Council's Condominium Conversion policy requires that the proposed conversion will not reduce the rental vacancy rate to below 2.0% for the City and the respective local housing market zone. The proposed conversion does not reduce the City's rental apartment vacancy rate to below 2.0%; however, within the Hamilton Mountain local housing market zone, the rental apartment vacancy rate is further reduced under the 2.0% level from 1.66% to approximately 1.61%.

Criteria (iii) of Council's Condominium Conversion policy requires that the existing market rent levels for the units proposed to be converted are not to be significantly below the average market rent levels for the City and the respective local housing market zone.

Sixteen (16) of the 22 units within the apartment building at 893 Concession Street are one-bedroom units with the remainder being two-bedroom units. The average market rent for the occupied one and two bedroom units is above both the City of Hamilton average and Hamilton Mountain local housing market zone average. As a result, criteria (iii) has been satisfied as the average market rents at 893 Concession Street are "not significantly below" the average market rent levels for the City and the respective local housing market zone.

Accordingly, the proposed conversion of the rental apartment building at 893 Concession Street to condominium conflicts with the Condominium Conversion policy adopted by City Council on May 26, 1998 as criteria (i) and (ii) have not been met.

CONSIDERATION OF PROPOSED DRAFT PLAN OF CONDOMINIUM:

Background:

The Condominium Act under Section 50 provides direction that the provisions of the Planning Act pertaining to Plans of Subdivision will apply for the approval of a condominium description.

The Planning Act under Section 51(24) provides a number of criteria (12 in total) in considering a draft plan of subdivision/condominium. Staff have reviewed all of the criteria and two specific criteria have been identified that raise concerns in regard to the proposed Plan of Condominium at 893 Concession Street. The preamble to this section of the Planning Act and the two criteria that have raised concerns are as follows:

> *"In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the municipality and to,*

(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

(b) whether the proposed subdivision is premature or in the public interest;"

Clause (a) of S.51(24) provides direction to have regard to the matters of provincial interest outlined in section 2 of the Planning Act. Section 2 outlines 16 specific matters of provincial interest and all were reviewed by staff to identify any possible concerns within the context of the proposed Plan of Condominium. One provincial interest was identified as being relevant in the context of the proposed Plan of Condominium and is as follows:

"The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

(j) the adequate provision of a full range of housing;"

Analysis:

The use of the word "*adequate*" in the sentence "the adequate provision of a full range of housing" in section 2(j) of the Planning Act is interpreted as meaning that housing opportunities are available for all households in a community. Moreover, the term "*adequate*" also has the connotation that housing opportunities are not unduly constrained or provided only on a minimal or token basis.

The phrase "*full range of housing*" is taken to mean:

1) a range of housing in various structure/dwelling types are available such as single-detached, semi-detached, row/townhouses, and apartments in the form of high-rise buildings, low-rise buildings and accessory apartments in grade-related dwellings; and,

2) a range of housing in various forms of tenure are available including rental, owner or co-operative.

The table on the following page is based from statistics provided by CMHC and shows the total number of rental housing dwelling starts in the City of Hamilton from 1990 to the first 3 months of 1998.

Rental Dwelling Starts
City of Hamilton

	Private		Assisted		Sub-	All	Percent
	Row	Apartment	Row	Apartment	Total	Starts	Rental
1998-Q1	8	0	0	0	8	59	13.6%
1997	28	0	0	0	28	722	3.9%
1996	0	0	6	0	6	436	1.4%
1995	0	0	34	177	211	548	38.5%
1994	0	0	13	240	253	741	34.1%
1993	0	0	231	4	235	662	35.5%
1992	0	0	238	181	419	824	50.8%
1991	0	0	443	165	608	971	62.6%
1990	130	7	0	155	292	1502	19.4%

Data Source: Canada Mortgage and Housing Corporation (CMHC).

The CMHC statistics above show that since the termination of the Provincial non-profit and co-operative housing programs in 1995, there have been no new rental apartment starts in the City of Hamilton. Specifically for the Hamilton Mountain, the last new rental apartment buildings constructed were started in May, 1995 at 1100 Limeridge Road East (57 units - Municipal (Hamilton) Non-Profit Housing Corporation) and in September, 1994 at 1365 Limeridge Road East (43 units - Inner City Co-op). CMHC has also indicated there are no "pending starts" of apartment rental housing of either a private or assisted category in the City of Hamilton.

As was identified earlier in this report, the rental apartment vacancy rate for the Hamilton Mountain (Zone 6) rental sub-market area was recorded at 1.66% in October, 1997 by CMHC. In October, 1996, the rental apartment vacancy rate was recorded at 1.31%.

According to CMHC, a rental apartment vacancy rate in the range of 2.0% to 3.0% is generally indicative of a rental housing marketplace that is in a competitive, balanced situation. In this balanced environment, the upward pressure on rents is tempered by the availability of vacant units and there is an adequate degree of choice and selection for prospective tenants. There is essentially a "level playing field" between the needs and interests of both tenants and landlords.

The rental apartment vacancy rate is also a broad indicator of the demand for rental housing units within a particular area. Considering the rental apartment vacancy rate for the Hamilton Mountain has not been at or above 2.0% since October, 1977, this is a firm indication that the demand for rental apartments in this part of Hamilton has, and continues to be, fairly strong.

Since the rental apartment vacancy rate for the Hamilton Mountain sub-market area is under 2.0% at present and has been for a considerable length of time, it is clear the rental housing marketplace in this area of Hamilton is not in a competitive or balanced situation.

In addition, there has been no new construction of rental apartment units since 1995 in the City of Hamilton or the Hamilton Mountain as a result of the termination of the Provincial non-profit and co-operative housing programs and no private apartment rental units constructed since 7 units were started in 1990. As such, removal of rental housing units from the Hamilton Mountain through conversion to condominium would exacerbate the current rental market situation.

Accordingly, until the rental apartment housing marketplace for the Hamilton Mountain rental sub-market area is in a more competitive and balanced situation, the approval of rental apartment units for conversion to condominium would be premature and, in addition, the proposal would adversely affect the "adequate provision of a full range of housing" which is a matter of Provincial interest as outlined in the Planning Act.

OVERALL RENTAL MARKET IMPACT:

In addition to this specific proposal for conversion to condominium, there are five other applications within the City of Hamilton for converting rental apartment buildings to condominium. The municipal address, the respective sub-market area/local housing market zone and the number of units affected for all six applications are noted below:

1) 11 Kendale Court, Hamilton Mountain, 101 units;
2) 21 Kendale Court, Hamilton Mountain, 101 units;
3) 293 Mohawk Road East, Hamilton Mountain, 24 units;
4) 893 Concession Street, Hamilton Mountain, 22 units (subject property);
5) 1950 Main Street West, West End/West Hamilton, 88 units; and,
6) 37-57 Mericourt Road, West End/West Hamilton, 66 units.

The cumulative impact of converting these units to condominium was assessed at the City of Hamilton level and at the respective sub-market area/local housing market zone level. For demonstrative purposes, the effect on the rental apartment vacancy rates as at October, 1997 if all the conversions occurred in their respective sub-market area/local housing market zone would be estimated as follows:

	City of Hamilton	Hamilton Mountain	West End/ West Hamilton
Pre-Conversion	3.51%	1.66%	0.71%
Post-Conversion	3.42%	1.49%	0.40%

In all three geographic areas, the rental apartment vacancy rate would experience a slight decline.

COMMENTS FROM CIRCULATION:

The Regional Environment Department, Development Engineering Section advised the following:

"**Recommendations:**

None.

Information:

1. There is an existing Municipal sewer available to service this development directly.

2. There is an existing Municipal watermain adjacent to this development to service these lands directly.

3. There are no road widening required by the Region.

4. There is no Municipal share of services to be installed for this development.

The submitted plan, as prepared by A.J. Clarke and Associates Limited, signed by M.J. Terry and dated June 29, 1998, is satisfactory to the Regional Environment Department, subject to the above comments and recommendations."

The Traffic Division, Department of Public Works and Traffic advised that they have "no comments."

The Building Department advised the following:

"COMMENTS:

1. The recognized use is a twenty-one (21) unit multiple dwelling and one (1) medical office with a total of twenty-six (26) parking spaces contained within the building and at grade in the rear yard.

2. The proposed use of a twenty-two (22) unit multiple dwelling requires a minimum of twenty-eight (28) parking spaces and one (1) loading space (3.7m x 9.0m x 4.3m).

If the required parking and loading is not provided, Committee of Adjustment approval of variances is necessary."

COMMENTS:

1. A rental apartment vacancy rate in the range of 2.0% to 3.0% is indicative of a healthy, competitive and balanced rental housing marketplace. The rental apartment vacancy rate for the Hamilton Mountain rental sub-market area was recorded by Canada Mortgage and Housing Corporation at 1.66% in October, 1997 and 1.31% in October, 1996. Accordingly, until such time the rental housing marketplace in the Hamilton Mountain sub-market area is in a balanced, competitive situation, approval of the proposed Plan of Condominium for 893 Concession Street would be premature.

2. There has been no new construction of rental apartment units in the City of Hamilton or specifically within the Hamilton Mountain since 1995. Further, in recognition that the rental apartment vacancy rate has not been at or above 2.0% for the Hamilton Mountain since October, 1977, the removal of the rental apartment units at 893 Concession Street through the conversion to condominium would adversely affect the adequate provision of a full range of housing.

3. Hamilton Official Plan Amendment No. 151 has been appealed to the Ontario Municipal Board. This OPA outlines criteria in which proposed conversions to condominium and demolitions can occur. OPA No. 151 will not be in effect until the day after all appeals have been withdrawn or dismissed by the Board.

4. The proposal does not conflict with the intent of the Official Plan at the time the application was deemed complete (June 30, 1998).

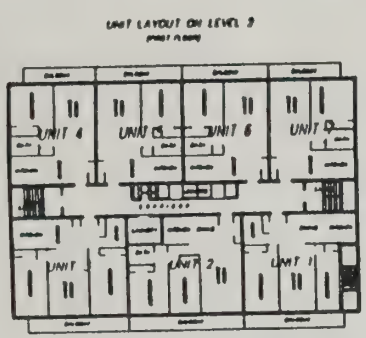
5. The proposed conversion conflicts with criteria (i) and (ii) of the Condominium Conversion policy adopted by Council on May 26, 1998. The rental apartment vacancy rate has been below 2.0% within the Hamilton Mountain local housing market zone for both October, 1996 and October, 1997. Further, removal of the rental units will reduce the rental apartment vacancy rate in the Hamilton Mountain local housing market zone further below the 2.0% level.

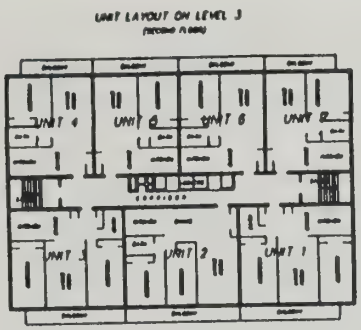
CONCLUSION:

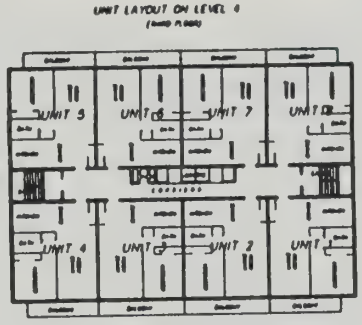
On the basis of the forgoing, the proposed plan of condominium cannot be supported.

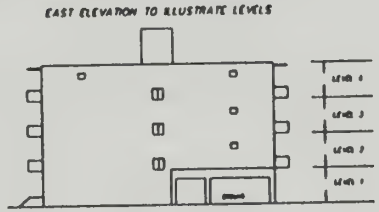
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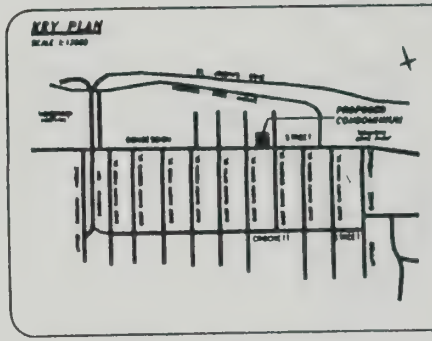
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DRAFT PLAN OF

White Condominium

BEING A PROPOSED CONDOMINIUM OF

LOTS 6, 7 AND 8 - WENTWORTH HEIGHTS SURVEY

REGISTERED PLAN No. 810

IN THE

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH

SCALE 1:200

M. J. TERRY O.L.S.

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

RE: CHAPTER P. 13 R.S.O. 1990 SECTION 51(4) THE PLANNING ACT

A. SHOWN ON PLAN	G. SHOWN ON PLAN
B. SHOWN ON PLAN	H. MUNICIPAL PIPED WATER AVAILABLE
C. SHOWN ON PLAN	I. CLAY LOAM
D. SEE LAND USE SCHEDULE	J. SHOWN ON PLAN
E. SHOWN ON PLAN	K. MUNICIPAL SERVICES TO BE INSTALLED BY SUBDIVIDER
F. SHOWN ON PLAN	L. NONE

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

JUNE 20, 1998
DATE

M. J. TERRY
ONTARIO LAND SURVEYOR

LAND USE SCHEDULE:

TOTAL AREA OF SITE = 960 m2
TOTAL NUMBER OF UNITS = 10
TOTAL NUMBER OF PARKING SPACES = 20

CONDOMINIUM DRAFT APPROVAL:

SUBJECT TO THE CONDITIONS, IF ANY, SET FORTH IN OUR LETTER DATED , 1998 THIS PLAN IS APPROVED UNDER SECTION 51 OF THE PLANNING ACT AND SECTION 50 OF THE CONDOMINIUM ACT THIS DAY OF , 1998.

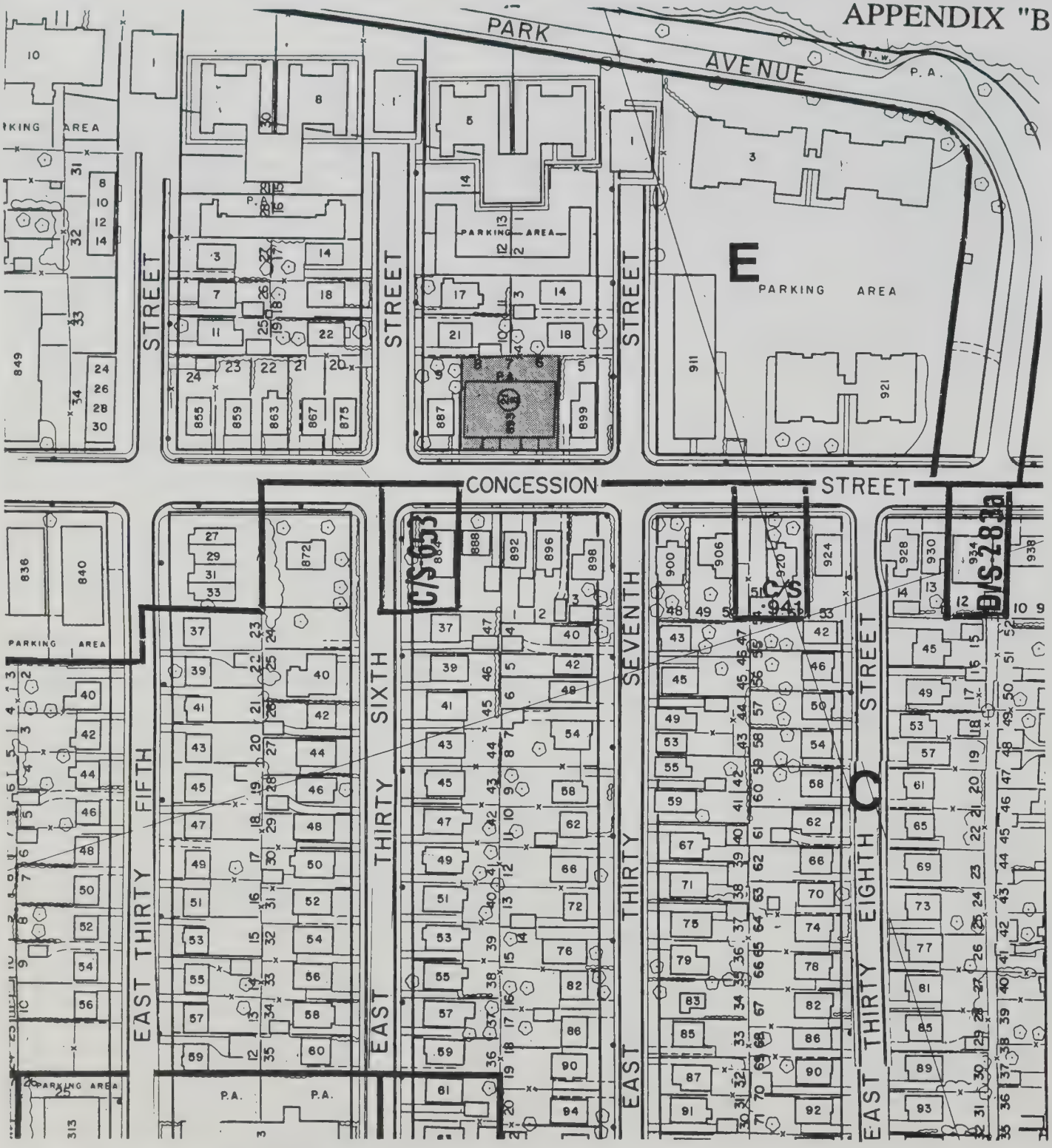
COMMISSIONER OF ENVIRONMENT
REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH
AS DELEGATED BY BY-LAW No. 1985-041

A. J. Clarke and Associates Ltd.
ONTARIO LAND SURVEYORS . CONSULTING ENGINEERS
PROFESSIONAL PLANNERS
150 JAMES STREET SOUTH, SUITE 109
HAMILTON, ONTARIO L8P 3A1, CANADA
TEL. 905-526-6761 FAX 905-526-7380

25CDM-98013

APPENDIX "A"

APPENDIX "B"



City of Hamilton

Location Plan For

893 Concession Street

Planning and Development Department

Legend

Location of Subject Lands

North	Scale	Reference File No.
	Not to Scale	CDM -CONV-98-010 (25CDM -98013)
	Date	Drawn By
	August 1998	FAB

Chronology of Key Events and Actions
Proposed Official Plan Amendment
Protection of the Rental Housing Stock

APPENDIX "C"

Feb 16/98	City Planning and Development Department staff begin review of the Tenant Protection Act in the context of condominium conversions. Contact initiated with other municipalities, the Province and Canada Mortgage and Housing Corporation.
Mar 10/98	Staff from Regional Environment Department provide written comments to City Planning staff on draft Official Plan policies proposing criteria in which proposed condominium conversions and demolitions would occur.
Mar 19/98	City Planning staff attend meeting of Social Housing and Action Committee (SHAC) to discuss concepts of rental housing protection at the municipal level.
Mar 30/98	Telephone conversation with Executive Director of Hamilton & District Apartment Association (HDAA) to discuss concepts of rental housing protection at the municipal level.
Apr 4/98	Newspaper advertisement in Hamilton Spectator providing notification of a Public Meeting of the Planning and Development Committee on April 22, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.
Apr 14/98	Correspondence received from SHAC commenting on desired objectives in proposed Official Plan Amendment.
Apr 14/98	Correspondence received from HDAA commenting on desired objectives in proposed Official Plan Amendment.
Apr 21/98	Correspondence received from the Niagara Escarpment Commission in regard to the proposed Official Plan Amendment.
Apr 22/98	Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment; recommendation report tabled for a period of one month.
May 5/98	Newspaper advertisement in Hamilton Spectator providing notification of a Public Meeting of the Planning and Development Committee on May 14, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.
May 14/98	Correspondence received questioning the timing of the public notification advertisement for the May 14, 1998 Public Meeting of the Planning and Development Committee.
May 14/98	Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment. It was agreed by Committee to hold another Public Meeting in June and adopt the staff Condominium Conversion recommendation as a policy.
May 23/98	Newspaper advertisement in Hamilton Spectator providing notification of a Public Meeting of the Planning and Development Committee on June 24, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.

May 25/98	Correspondence received commenting on the City's Condominium Conversion policy and the legal basis of the proposed Official Plan Amendment.
May 26/98	City Council formally adopts the Condominium Conversion policy as recommended by the Planning and Development Committee.
Jun 4/98	City Planning staff meet with the Executive Director of the Hamilton & District Apartment Association to discuss the proposed Official Plan Amendment.
Jun 5/98	City Planning staff discuss proposed Official Plan Amendment with owner/agent of previous condominium conversion applications in Hamilton.
Jun 8/98	City Planning and City Law staff meet with representatives of the Hamilton-Halton Home Builders' Association and other guests to discuss the proposed Official Plan Amendment.
Jun 17/98	The Tenant Protection Act is proclaimed in force. Accordingly, The Rental Housing Protection Act is repealed.
Jun 18/98	Application for proposed Plan of Condominium 25CDM-98006 (11 Kendale Court) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
Jun 18/98	Application for proposed Plan of Condominium 25CDM-98007 (21 Kendale Court) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
Jun 18/98	Application for proposed Plan of Condominium 25CDM-98008 (65 Mount Albion Road) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
Jun 24/98	Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment. Proposed Official Plan Amendment is approved by Committee.
Jun 25/98	Application for proposed Plan of Condominium 25CDM-98009 (293 Mohawk Road East) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
Jun 29/98	Application for proposed Plan of Condominium 25CDM-98011 (1950 Main Street West) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
Jun 29/98	Application for proposed Plan of Condominium 25CDM-98012 (37-57 Mericourt Road) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
Jun 30/98	Application for proposed Plan of Condominium 25CDM-98013 (893 Concession Street) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.

Jun 30/98	City Council approves a revised Official Plan Amendment that provides a criteria by which to evaluate proposed condominium conversions and demolitions. Condominium Conversion policy adopted previously by Council is rescinded.
Jul 7/98	Official Plan Amendment No. 151 is adopted by City Council by By-Law #98-197.
Jul 22/98	Official Plan Amendment No. 151 is forwarded to the Region of Hamilton-Wentworth for approval.
Aug 12/98	Regional Council recommends that Official Plan Amendment No. 151 be approved by the Commissioner of the Regional Environment Department.
Aug 17/98	Notice of decision of Official Plan Amendment No. 151 by the Region of Hamilton-Wentworth.
Sep 3/98	Notice of appeal of Official Plan Amendment No. 151 is submitted to the Region of Hamilton-Wentworth.

7a)i)

CITY OF HAMILTON

- INFORMATION -

DATE: October 23, 1998
CDM-CONV-98-010
Raleigh Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

SUBJECT: Proposed Draft Plan of Condominium -
Condominium Conversion, 893 Concession Street,
Additional Information

BACKGROUND:

The Planning and Development Committee at its meeting of October 7, 1998 requested additional information in regard to the proposed conversion to condominium of the rental apartment building located at 893 Concession Street (22 units). The additional information is as follows:

Building Improvements -

Exterior

a. All original windows replaced with new vinyl or aluminium thermal paned windows.
b. All landscaping upgraded.
c. All walkways replaced or repaired.
d. All storm doors will be replaced for the units.
e. The parking lot would be resurfaced.
f. Any damaged bricks replaced or cladded with aluminum siding.

Interior

a. All fridges replaced with new full sized frost-free fridges.
b. All stoves replaced with new full sized stoves.
c. All water taps in kitchens and bathrooms will be replaced.
d. All bathroom tiles and floors will be replaced.
e. All kitchen floors will be replaced.
f. All interior doors will be replaced.
g. All corridors and fire stairwells will be painted and refurbished.
h. Replace, repair or refurbish all railings, walls, ceilings and lighting in all the common areas.
i. New carpet will be installed in the hallways.
j. Refurbish and improve lobby hallways.

Price of Converted Units -

The applicant has indicated the one-bedroom units will be sold for "in the low $50,000 range" and the two-bedroom units will be sold for "in the low $60,000 range." The applicant has also indicated that existing tenants can purchase their units for $4,000 less or 5 percent less than the appraised value of the unit, whichever is greater.

Further, if the tenant chooses not to have a new fridge and stove installed, the unit can be purchased for an additional $1,000 less than the appraised value. Moreover, if the tenant chooses not to have the interior unit renovations undertaken, the unit can be purchased for an additional $3,500 less than the appraised value.

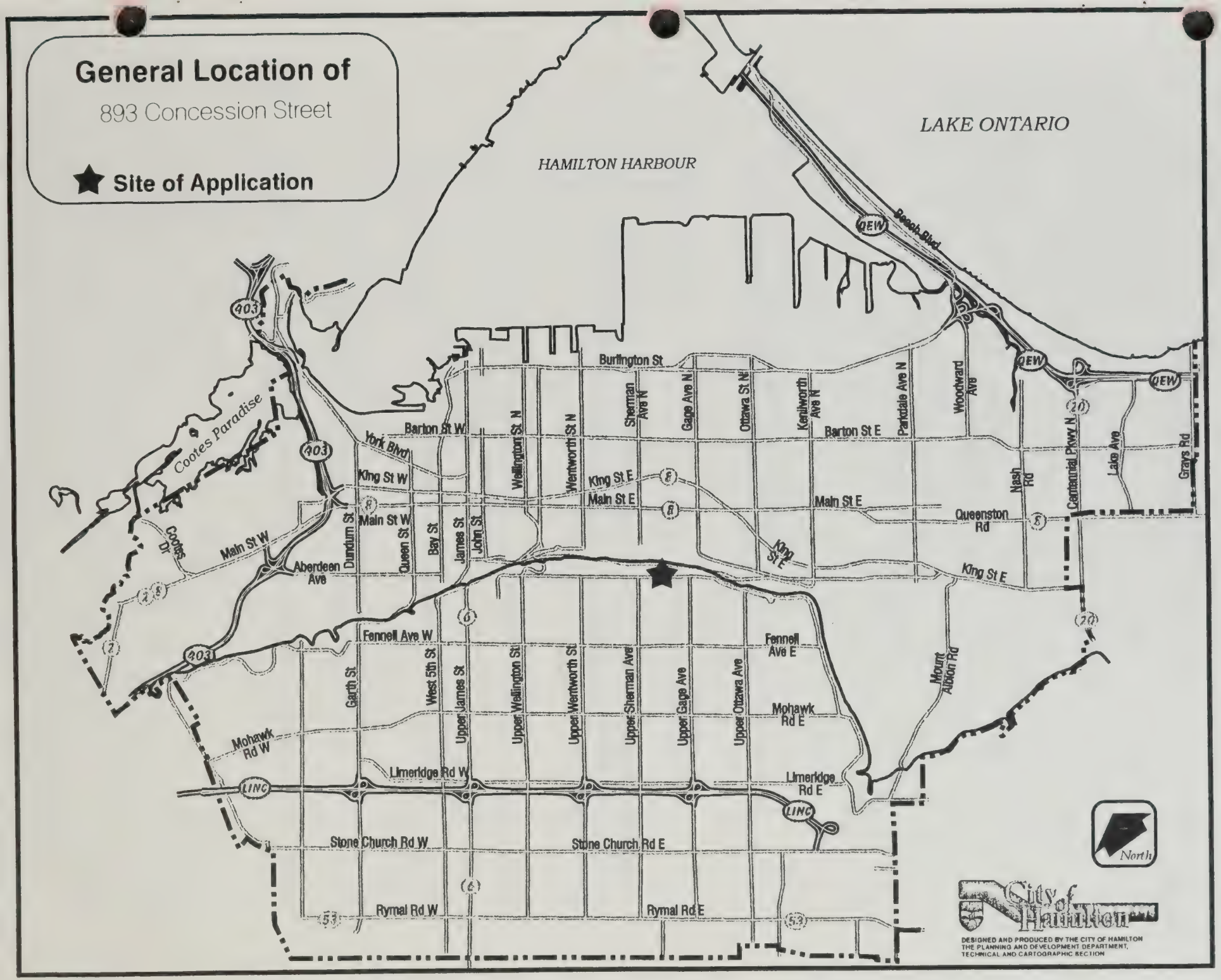
Tenant Opinions and Intentions -

A pre-stamped short survey questionnaire was mailed to all tenants. As of October 23, 1998, of the total 21 surveys that were mailed (1 unit was vacant and unoccupied), 8 surveys were returned with the following results:

1. Are you...	in favour of the proposal? -	3
	opposed to the proposal? -	2
	undecided? -	3
2. Do you...	intend to purchase a unit? -	0
	prefer to remain as a tenant? -	4
	undecided? -	4

For the information of Committee, all of this additional information will be obtained for future proposed condominium conversions and presented in the main staff report.

KE/ke


General Location of
893 Concession Street
Site of Application
LAKE ONTARIO
HAMILTON HARBOUR
QEW
Beach Blvd
403
Cootes Paradise
Burlington St
Barton St W
Barton St E
York Blvd
King St W
King St E
Main St W
Main St E
Wellington St N
Wentworth St N
Sherman Ave N
Gage Ave N
Ottawa St N
Kenilworth Ave N
Parkdale Ave N
Woodward Ave
Nash Rd
Centennial Pkwy N
Lake Ave
Grays Rd
Queenston Rd
Dundurn St
Queen St
Bay St
James St
John St
Cootes Dr
Aberdeen Ave
Fennell Ave W
Fennell Ave E
Garth St
West 5th St
Upper James St
Upper Wellington St
Upper Wentworth St
Upper Sherman Ave
Upper Gage Ave
Upper Ottawa Ave
Mount Albion Rd
Mohawk Rd W
Mohawk Rd E
Limeridge Rd W
Limeridge Rd E
LINC
Stone Church Rd W
Stone Church Rd E
Rymal Rd W
Rymal Rd E
North
City of Hamilton
DESIGNED AND PRODUCED BY THE CITY OF HAMILTON
THE PLANNING AND DEVELOPMENT DEPARTMENT,
TECHNICAL AND CARTOGRAPHIC SECTION

P+D 1998 Sept 29-defeated on tie
Council 1998 Sept 29- referred Back 1998 Sept 23 - Tabled

CITY OF HAMILTON

- RECOMMENDATION -

761

SEP 15 1998

DATE: September 10, 1998
CDM-CONV-98-009
Ainslie Wood West Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

SUBJECT: Proposed Draft Plan of Condominium -
Condominium Conversion, 37-57 Mericourt Road

RECOMMENDATIONS:

(1) That Condominium Conversion Application CDM-CONV-98-009 (Regional File 25CDM-98012), Gaspar & Silva Ltd., owner, to establish a draft plan of condominium located at 37-57 Mericourt Road, as shown on APPENDIX "A", be denied for the following reasons:

(i) the proposal is premature until such time the West End rental sub-market area is in a competitive, balanced situation; and,

(ii) the proposal would adversely affect the adequate provision of a full range of housing; and,

(iii) the proposal conflicts with criteria (i) and (ii) of the Condominium Conversion policy established by City Council on May 26, 1998.

(2) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

V. Abraham

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

Gaspar & Silva Ltd., owner.

Surveyor:

Bryan Jacobs O.L.S., Consoli & Jacobs Surveying Ltd.

Location:

Known municipally as 37-57 Mericourt Road, the subject property is 0.53 ha in size and contains two 3-storey apartment structures constructed in 1958-59 (see APPENDIX "B").

Proposal:

The owner is proposing to convert the existing 66 unit rental residential apartment buildings to condominium status (see APPENDIX "A"). The bedroom count and vacant units as of June, 1998 are as follows:

One-Bedroom	- 29 (2 Vacant)
Two-Bedroom	- 37 (8 vacant)
Total	- 66 (10 vacant)

CURRENT POLICY AND DEVELOPMENT FRAMEWORK:

Hamilton-Wentworth Official Plan:

The lands are identified as "Urban" within the "Urban Policy Areas" of the Hamilton-Wentworth Official Plan (HWOP). The proposal does not conflict with the intent of the HWOP.

Hamilton Official Plan:

1. Land Use Designation

The subject lands are designated "Residential", according to Schedule "A" - Land Use Concept. The proposal does not conflict with the intent of the Official Plan.

2. Condominium Conversion Policies - Official Plan Amendment No. 151

At the time this application was formally accepted as complete by the Region of Hamilton-Wentworth on June 29, 1998, the City was in the process of establishing Official Plan policies addressing the issue of condominium conversions and demolitions of rental housing. Appendix "C" provides a detailed chronology of this initiative.

Official Plan Amendment No. 151 was forwarded to the Region of Hamilton-Wentworth for approval on July 22, 1998. A staff report recommending approval of the Amendment was approved by Regional Council on August 12, 1998. On September 3, 1998, notice of appeal to the Ontario Municipal Board (OMB) of the approval of OPA 151 was submitted to the Region; a hearing date has yet to be established by the Board.

Accordingly, OPA No. 151 will not be in effect until the day after all appeals have been withdrawn or dismissed by the Board.

Neighbourhood Plan:

The subject lands are designated "Medium Density Apartments" in the approved Ainslie Wood West Neighbourhood Plan. The proposal does not conflict with the intent of the neighbourhood plan.

Zoning:

The subject lands are zoned "E" (Multiple Dwellings, Lodges, Clubs, Etc.) District. The Building Department has commented as follows:

"COMMENTS:

1. This development consists of two, 33 unit multiple dwellings which were constructed in 1958-59.

2. The location of the buildings are legally established non-conforming.

3. The gross floor area and landscaped area are not indicated, but are legally established non-conforming if existing since construction.

4. The parking area, loading spaces and access driveways are legally established non-conforming if existing since construction."

City's Condominium Conversion Policy:

As part of the background preparatory work for the adoption of the Official Plan Amendment No. 151, Council adopted a formal Condominium Conversion policy on May 26, 1998. This was done to assist in the evaluation of proposed conversions to condominium until such time as the Official Plan Amendment was approved by Council. The key facet of this Council policy states:

"To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment and/or townhouse units comprised of six or more units will be permitted provided all of the following criteria are met:

(i) the rental vacancy rate by dwelling/structure type for the City and the respective local housing market zone has been at or above 2.0% for the preceding twenty-four (24) months;

(ii) the proposed conversion will not reduce the rental vacancy rate by dwelling/ structure type to below 2.0% for the City and the respective local housing market zone; and,

(iii) the existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling/structure type."

The subject property is located within the "West Hamilton" local housing market zone of the Condominium Conversion policy. This City-defined market zone correlates identically with the sub-market area "Zone 5 - West End" utilized by Canada Mortgage and Housing Corporation (CMHC) for their annual Rental Market Survey, which is conducted every October. The relevant rental apartment market statistics for Council's Condominium Conversion policy are as follows:

Condominium Conversion Policy
Statistical Market Analysis

Rental Apartment Vacancy Rate - Criteria (i):

	City of Hamilton	West Hamilton
October, 1996	2.45%	0.96%
October, 1997	3.51%	0.71%

Impact on Apartment Vacancy Rate - Criteria (ii):

	City of Hamilton	West Hamilton
Pre-Conversion	3.51%	0.71%
Post-Conversion	3.48%	0.42%

Average Market Rents - Criteria (iii):

	Unit Count	37-57 Mericourt (June/98)	City of Hamilton (Oct/97)	West Hamilton (Oct/97)
One-Bedroom	29	$504	$498	$511
Two-Bedroom	37	$571	$603	$609
Total	66			

Data Sources: Canada Mortgage and Housing Corporation (CMHC) and Gaspar & Silva Ltd.

Criteria (i) of Council's Condominium Conversion policy requires that the rental vacancy rate for the City and the respective local housing market zone must have been at or above 2.0% for the preceding twenty-four (24) months. The proposed condominium conversion at 37-57 Mericourt Road fails this test as the rental apartment vacancy rate within the West Hamilton local housing market zone as at October, 1997 was recorded at 0.71%. Moreover, the rental apartment vacancy rate has not been at or above 2.0% within the West Hamilton local housing market zone since April, 1977.

Criteria (ii) of Council's Condominium Conversion policy requires that the proposed conversion will not reduce the rental vacancy rate to below 2.0% for the City and the respective local housing market zone. The proposed conversion does not reduce the City's rental apartment vacancy rate to below 2.0%; however, within the West Hamilton local housing market zone, the rental apartment vacancy rate is further reduced under the 2.0% level from 0.71% to approximately 0.42%.

Criteria (iii) of Council's Condominium Conversion policy requires that the existing market rent levels for the units proposed to be converted are not to be significantly below the average market rent levels for the City and the respective local housing market zone. Twenty-nine (29) of the total 66 units within 37-57 Mericourt Road are one-bedroom units. The average market rent for the occupied units for these units is slightly above the City of Hamilton average and slightly below the West Hamilton local housing market zone average.

The remaining 37 units within the rental complex are two-bedroom units. The average market rent for the occupied units for these units is below both the City of Hamilton average and the West Hamilton local housing market zone average in the range of 5-6%. However, this range is not considered to be "significantly below" and as such the proposal satisfies this criteria.

Accordingly, the proposed conversion of the rental apartment building at 37-57 Mericourt Road to condominium conflicts with the Condominium Conversion policy adopted by City Council on May 26, 1998 as criteria (i) and (ii) have not been met.

CONSIDERATION OF PROPOSED DRAFT PLAN OF CONDOMINIUM:

Background:

The Condominium Act under Section 50 provides direction that the provisions of the Planning Act pertaining to Plans of Subdivision will apply for the approval of a condominium description.

The Planning Act under Section 51(24) provides a number of criteria (12 in total) in considering a draft plan of subdivision/condominium. Staff have reviewed all of the criteria and two specific criteria have been identified that raise concerns in regard to the proposed Plan of Condominium at 37-57 Mericourt Road. The preamble to this section of the Planning Act and the two criteria that have raised concerns are as follows:

> *"In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the municipality and to,*

(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

(b) whether the proposed subdivision is premature or in the public interest;"

Clause (a) of S.51(24) provides direction to have regard to the matters of provincial interest outlined in section 2 of the Planning Act. Section 2 outlines 16 specific matters of provincial interest and all were reviewed by staff to identify any possible concerns within the context of the proposed Plan of Condominium. One provincial interest was identified as being relevant in the context of the proposed Plan of Condominium and is as follows:

"The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

(j) the adequate provision of a full range of housing;"

Analysis:

The use of the word "*adequate*" in the sentence "the adequate provision of a full range of housing" in section 2(j) of the Planning Act is interpreted as meaning that housing opportunities are available for all households in a community. Moreover, the term "*adequate*" also has the connotation that housing opportunities are not unduly constrained or provided only on a minimal or token basis.

The phrase "*full range of housing*" is taken to mean:

1) a range of housing in various structure/dwelling types are available such as single-detached, semi-detached, row/townhouses, and apartments in the form of high-rise buildings, low-rise buildings and accessory apartments in grade-related dwellings; and,

2) a range of housing in various forms of tenure are available including rental, owner or co-operative.

The table on the following page is based from statistics provided by CMHC and shows the total number of rental housing dwelling starts in the City of Hamilton from 1990 to the first 3 months of 1998.

Rental Dwelling Starts
City of Hamilton

	Private		Assisted		Sub-	All	Percent
	Row	Apartment	Row	Apartment	Total	Starts	Rental
1998-Q1	8	0	0	0	8	59	13.6%
1997	28	0	0	0	28	722	3.9%
1996	0	0	6	0	6	436	1.4%
1995	0	0	34	177	211	548	38.5%
1994	0	0	13	240	253	741	34.1%
1993	0	0	231	4	235	662	35.5%
1992	0	0	238	181	419	824	50.8%
1991	0	0	443	165	608	971	62.6%
1990	130	7	0	155	292	1502	19.4%

Data Source: Canada Mortgage and Housing Corporation (CMHC).

The CMHC statistics above show that since the termination of the Provincial non-profit and co-operative housing programs in 1995, there have been no new rental apartment starts in the City of Hamilton. Specifically for the West End rental sub-market area, the last new rental apartment building constructed was started in June, 1994 at 101 Broadway Avenue (45 units - Municipal (Hamilton) Non-Profit Housing Corporation). CMHC has also indicated there are no "pending starts" of apartment rental housing of either a private or assisted category in the City of Hamilton.

As was identified earlier in this report, the rental apartment vacancy rate for the West End (Zone 5) rental sub-market area was recorded at 0.71% in October, 1997 by CMHC. In October, 1996, the rental apartment vacancy rate was recorded at 0.96%.

According to CMHC, a rental apartment vacancy rate in the range of 2.0% to 3.0% is generally indicative of a rental housing marketplace that is in a competitive, balanced situation. In this balanced environment, the upward pressure on rents is tempered by the availability of vacant units and there is an adequate degree of choice and selection for prospective tenants. There is essentially a "level playing field" between the needs and interests of both tenants and landlords.

The rental apartment vacancy rate is also a broad indicator of the demand for rental housing units within a particular area. Considering the rental apartment vacancy rate for the West End sub-market area has not been at or above 2.0% since April, 1977, this is a firm indication that the demand for rental apartments in this part of Hamilton has, and continues to be, fairly strong.

Since the rental apartment vacancy rate for the West End rental sub-market area is under 2.0% at present and has been for a considerable length of time, it is clear the rental housing marketplace in this area of Hamilton is not in a competitive, balanced situation.

In addition, there has been no new construction of rental apartment units since 1995 in the City of Hamilton or the West End rental sub-market area as a result of the termination of the Provincial non-profit and co-operative housing programs and no private apartment rental units constructed since 7 units were started in 1990. As such, removal of rental housing units from the West End sub-market area through conversion to condominium would exacerbate the current rental market situation.

Accordingly, until the rental apartment housing marketplace for the West End rental sub-market area is in a more competitive and balanced situation, the approval of rental apartment units for conversion to condominium would be premature and, in addition, the proposal would adversely affect the "adequate provision of a full range of housing" which is a matter of Provincial interest as outlined in the Planning Act.

OVERALL RENTAL MARKET IMPACT:

In addition to this specific proposal for conversion to condominium, there are five other applications within the City of Hamilton for converting rental apartment buildings to condominium. The municipal address, the respective sub-market area/local housing market zone and the number of units affected for all six applications are noted below:

1) 11 Kendale Court, Hamilton Mountain, 101 units;
2) 21 Kendale Court, Hamilton Mountain, 101 units;
3) 293 Mohawk Road East, Hamilton Mountain, 24 units;
4) 893 Concession Street, Hamilton Mountain, 22 units;
5) 1950 Main Street West, West End/West Hamilton, 88 units; and,
6) 37-57 Mericourt Road, West End/West Hamilton, 66 units (subject property).

The cumulative impact of converting these units to condominium was assessed at the City of Hamilton level and at the respective sub-market area/local housing market zone level. For demonstrative purposes, the effect on the rental apartment vacancy rates as at October, 1997 if all the conversions occurred in their respective sub-market area/local housing market zone would be estimated as follows:

	City of Hamilton	Hamilton Mountain	West End/ West Hamilton
Pre-Conversion	3.51%	1.66%	0.71%
Post-Conversion	3.42%	1.49%	0.40%

In all three geographic areas, the rental apartment vacancy rate would experience a decline.

COMMENTS FROM CIRCULATION:

The Regional Environment Department, Development Engineering Section advised the following:

"INFORMATION

1) Any works which may occur within the Main Street West road allowance or the Mericourt Road road allowance must conform to the respective Streets By-Laws.

RECOMMENDATIONS

1) that the applicant/owner enter into the appropriate agreements, as required, with the City of Hamilton to retain parking spaces 18 and 19 within the Mericourt Road road allowance.

The submitted plan as prepared by Bryan Jacobs, O.L.S. stamped with the date June 25, 1998 is satisfactory to the Regional Environment Department subject to the above noted comments and recommendations."

The Traffic Division, Department of Public Works and Traffic advised that they have "no comments."

The Building Department advised:

"1. This development consists of two, 33 unit multiple dwellings which were constructed in 1958-59.

2. The location of the buildings are legally established non-conforming.

3. The gross floor area and landscaped area are not indicated, but are legally established non-conforming if existing since construction.

4. The parking area, loading spaces and access driveways are legally established non-conforming if existing since construction."

COMMENTS:

1. A rental apartment vacancy rate in the range of 2.0% to 3.0% is indicative of a healthy, competitive and balanced rental housing marketplace. The rental apartment vacancy rate for the West End rental sub-market area was recorded by Canada Mortgage and Housing Corporation at 0.71% in October, 1997 and 0.96% in October, 1996. Accordingly, until such time the rental housing marketplace in the West End rental sub-market area is in a balanced, competitive situation, approval of the proposed Plan of Condominium for 37-57 Mericourt Road would be premature.

2. There has been no new construction of rental apartment units in the City of Hamilton or specifically within the West End sub-market area since 1994. Further, in recognition that the rental apartment vacancy rate has not been at or above 2.0% for the West End sub-market area since April, 1977, the removal of the rental apartment units at 37-57 Mericourt Road through the conversion to condominium would adversely affect the adequate provision of a full range of housing.

3. Hamilton Official Plan Amendment No. 151 has been appealed to the Ontario Municipal Board. This OPA outlines criteria in which proposed conversions to condominium and demolitions can occur. OPA No. 151 will not be in effect until the day after all appeals have been withdrawn or dismissed by the Board.

4. The proposal does not conflict with the intent of the Official Plan at the time the application was deemed complete (June 29, 1998) and does not conflict with the approved Ainslie Wood West Neighbourhood Plan.

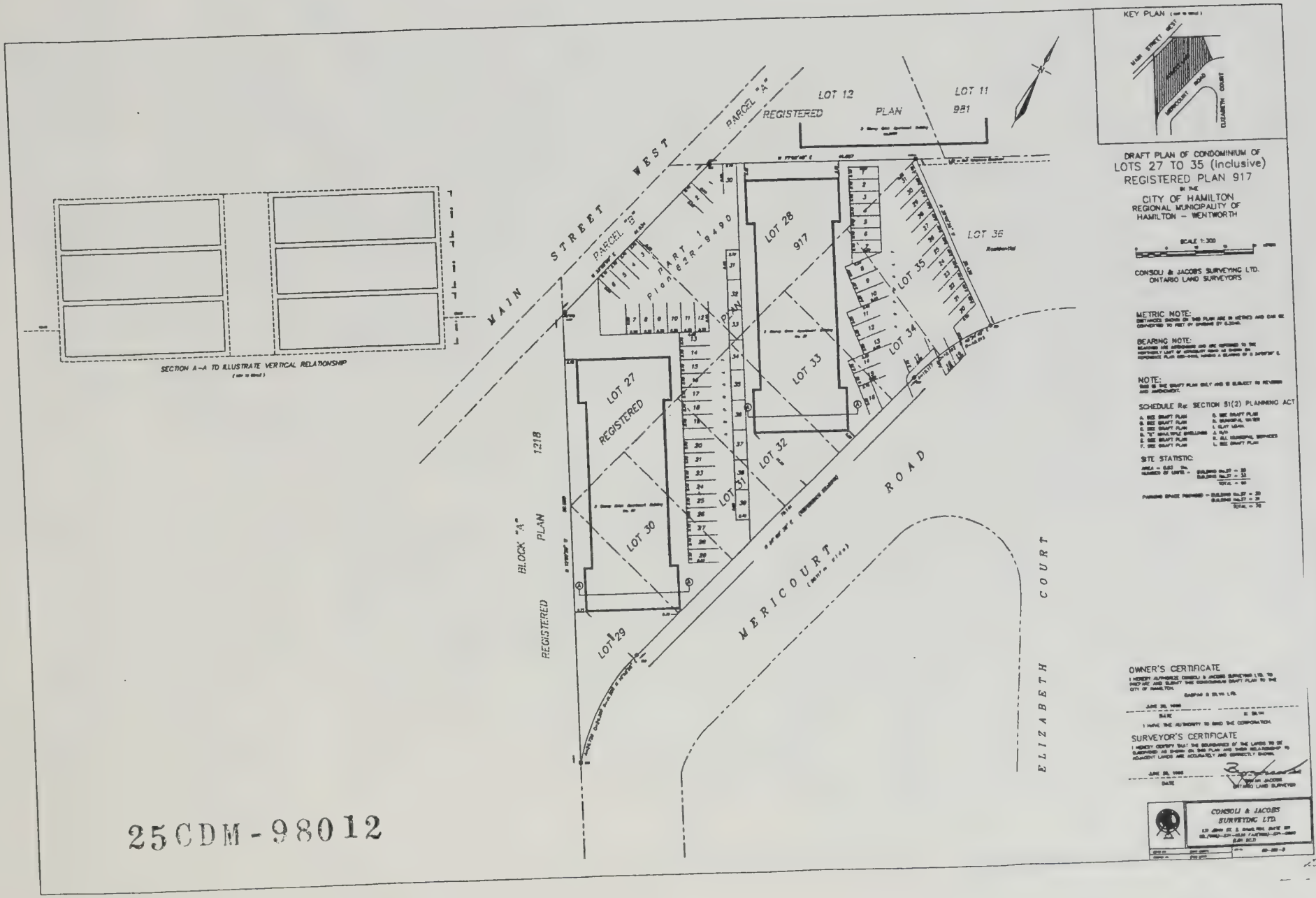
5. The proposed conversion conflicts with criteria (i) and (ii) of the Condominium Conversion policy adopted by Council on May 26, 1998. The rental apartment vacancy rate has been below 2.0% within the West Hamilton local housing market zone for both October, 1996 and October, 1997. Further, removal of the rental units will reduce the rental apartment vacancy rate in the West Hamilton local housing market zone further below the 2.0% level.

CONCLUSION:

On the basis of the forgoing, the proposed plan of condominium cannot be supported.

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25CDM-98012

APPENDIX "A"

APPENDIX "B"



City of Hamilton

Location Plan For

37-57 Mericourt Rd.

Planning and Development Department

Legend

Location of Subject Lands

North	Scale	Reference File No.
	Not to Scale	CDM -CONV-98-009
	Date	Drawn By
	July 1998	R.L.

Chronology of Key Events and Actions
Proposed Official Plan Amendment
Protection of the Rental Housing Stock

APPENDIX "C"

Feb 16/98	City Planning and Development Department staff begin review of the Tenant Protection Act in the context of condominium conversions. Contact initiated with other municipalities, the Province and Canada Mortgage and Housing Corporation.
Mar 10/98	Staff from Regional Environment Department provide written comments to City Planning staff on draft Official Plan policies proposing criteria in which proposed condominium conversions and demolitions would occur.
Mar 19/98	City Planning staff attend meeting of Social Housing and Action Committee (SHAC) to discuss concepts of rental housing protection at the municipal level.
Mar 30/98	Telephone conversation with Executive Director of Hamilton & District Apartment Association (HDAA) to discuss concepts of rental housing protection at the municipal level.
Apr 4/98	Newspaper advertisement in Hamilton Spectator providing notification of a Public Meeting of the Planning and Development Committee on April 22, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.
Apr 14/98	Correspondence received from SHAC commenting on desired objectives in proposed Official Plan Amendment.
Apr 14/98	Correspondence received from HDAA commenting on desired objectives in proposed Official Plan Amendment.
Apr 21/98	Correspondence received from the Niagara Escarpment Commission in regard to the proposed Official Plan Amendment.
Apr 22/98	Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment; recommendation report tabled for a period of one month.
May 5/98	Newspaper advertisement in Hamilton Spectator providing notification of a Public Meeting of the Planning and Development Committee on May 14, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.
May 14/98	Correspondence received questioning the timing of the public notification advertisement for the May 14, 1998 Public Meeting of the Planning and Development Committee.
May 14/98	Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment. It was agreed by Committee to hold another Public Meeting in June and adopt the staff Condominium Conversion recommendation as a policy.
May 23/98	Newspaper advertisement in Hamilton Spectator providing notification of a Public Meeting of the Planning and Development Committee on June 24, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.

May 25/98	Correspondence received commenting on the City's Condominium Conversion policy and the legal basis of the proposed Official Plan Amendment.
May 26/98	City Council formally adopts the Condominium Conversion policy as recommended by the Planning and Development Committee.
Jun 4/98	City Planning staff meet with the Executive Director of the Hamilton & District Apartment Association to discuss the proposed Official Plan Amendment.
Jun 5/98	City Planning staff discuss proposed Official Plan Amendment with owner/agent of previous condominium conversion applications in Hamilton.
Jun 8/98	City Planning and City Law staff meet with representatives of the Hamilton-Halton Home Builders' Association and other guests to discuss the proposed Official Plan Amendment.
Jun 17/98	The Tenant Protection Act is proclaimed in force. Accordingly, The Rental Housing Protection Act is repealed.
Jun 18/98	Application for proposed Plan of Condominium 25CDM-98006 (11 Kendale Court) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
Jun 18/98	Application for proposed Plan of Condominium 25CDM-98007 (21 Kendale Court) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
Jun 18/98	Application for proposed Plan of Condominium 25CDM-98008 (65 Mount Albion Road) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
Jun 24/98	Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment. Proposed Official Plan Amendment is approved by Committee.
Jun 25/98	Application for proposed Plan of Condominium 25CDM-98009 (293 Mohawk Road East) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
Jun 29/98	Application for proposed Plan of Condominium 25CDM-98011 (1950 Main Street West) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
Jun 29/98	Application for proposed Plan of Condominium 25CDM-98012 (37-57 Mericourt Road) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
Jun 30/98	Application for proposed Plan of Condominium 25CDM-98013 (893 Concession Street) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.

Jun 30/98	City Council approves a revised Official Plan Amendment that provides a criteria by which to evaluate proposed condominium conversions and demolitions. Condominium Conversion policy adopted previously by Council is rescinded.
Jul 7/98	Official Plan Amendment No. 151 is adopted by City Council by By-Law #98-197.
Jul 22/98	Official Plan Amendment No. 151 is forwarded to the Region of Hamilton-Wentworth for approval.
Aug 12/98	Regional Council recommends that Official Plan Amendment No. 151 be approved by the Commissioner of the Regional Environment Department.
Aug 17/98	Notice of decision of Official Plan Amendment No. 151 by the Region of Hamilton-Wentworth.
Sep 3/98	Notice of appeal of Official Plan Amendment No. 151 is submitted to the Region of Hamilton-Wentworth.

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CITY OF HAMILTON

- INFORMATION -

DATE: October 23, 1998
CDM-CONV-98-009
Ainslie Wood West Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

SUBJECT: Proposed Draft Plan of Condominium -
Condominium Conversion, 37-57 Mericourt Road,
Additional Information

BACKGROUND:

The Planning and Development Committee at its meeting of October 7, 1998 requested additional information in regard to the proposed conversion to condominium of the rental apartment building located at 37-57 Mericourt Road (66 units). The additional information is as follows:

Building Improvements -

Exterior

a. All original windows replaced with new vinyl or aluminium thermal paned windows.
b. All landscaping upgraded.
c. All walkways replaced or repaired.
d. All storm doors will be replaced for the units.
e. The parking lot would be resurfaced.
f. Any damaged bricks replaced or cladded with aluminum siding.

Interior

a. All fridges replaced with new full sized frost-free fridges.
b. All stoves replaced with new full sized stoves.
c. All water taps in kitchens and bathrooms will be replaced.
d. All bathroom tiles and floors will be replaced.
e. All kitchen floors will be replaced.
f. All interior doors will be replaced.
g. All corridors and fire stairwells will be painted and refurbished.
h. Replace, repair or refurbish all railings, walls, ceilings and lighting in all the common areas.
i. New carpet will be installed in the hallways.
j. Refurbish and improve lobby hallways.

Price of Converted Units -

The applicant has indicated the one-bedroom units will be sold for "in the low $50,000 range" and the two-bedroom units will be sold for "in the low $60,000 range." The applicant has also indicated that existing tenants can purchase their units for $4,000 less or 5 percent less than the appraised value of the unit, whichever is greater.

Further, if the tenant chooses not to have a new fridge and stove installed, the unit can be purchased for an additional $1,000 less than the appraised value. Moreover, if the tenant chooses not to have the interior unit renovations undertaken, the unit can be purchased for an additional $8,500 less than the appraised value.

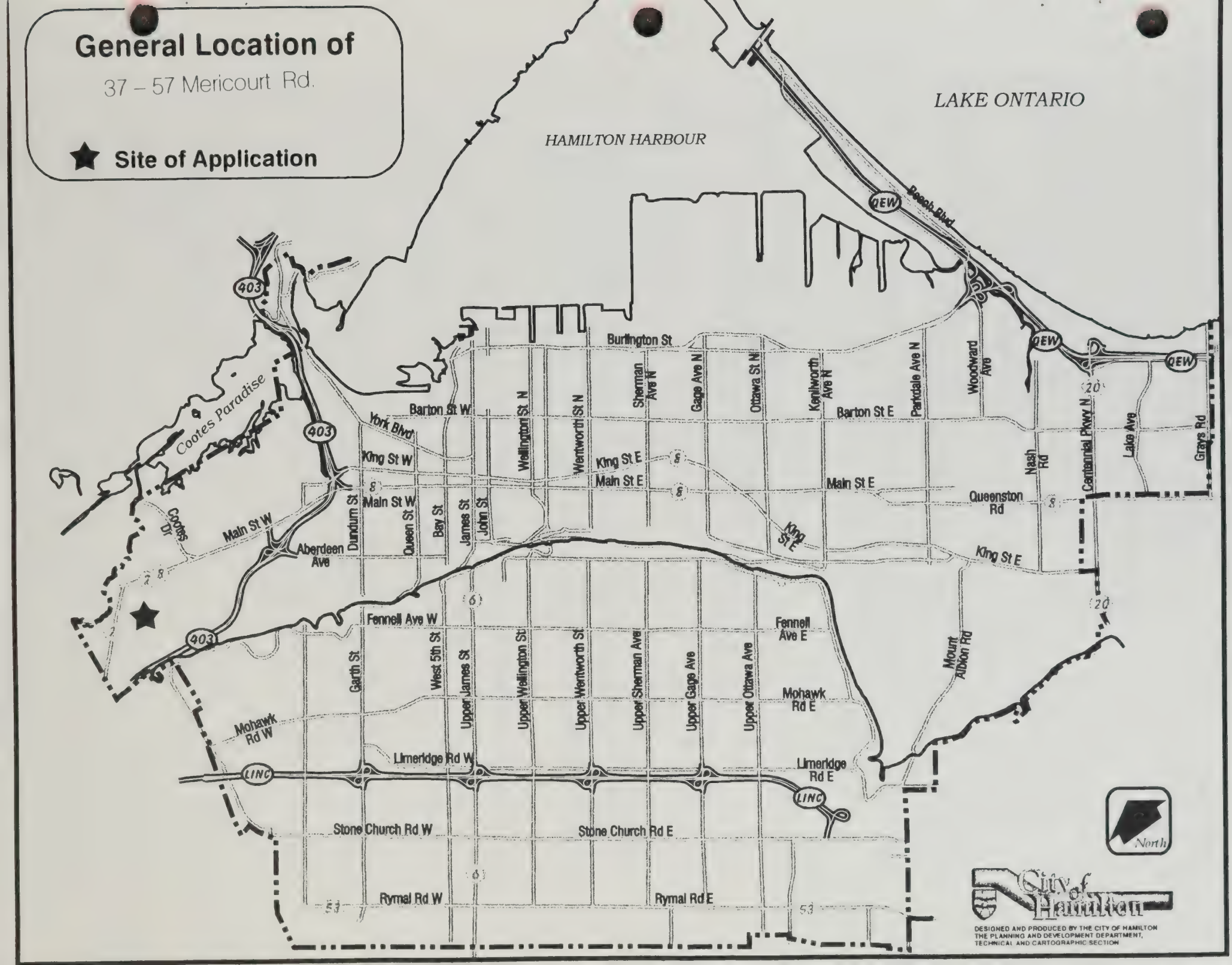
Tenant Opinions and Intentions -

A pre-stamped short survey questionnaire was mailed to all tenants. As of October 23, 1998, of the total 56 surveys that were mailed (10 units were vacant and unoccupied), 15 surveys were returned with the following results:

1. Are you...	in favour of the proposal? -	9
	opposed to the proposal? -	5
	undecided? -	1
2. Do you...	intend to purchase a unit? -	1
	prefer to remain as a tenant? -	10
	undecided? -	4

For the information of Committee, all of this additional information will be obtained for future proposed condominium conversions and presented in the main staff report.

KE/ke


General Location of
37 – 57 Mericourt Rd.
Site of Application
LAKE ONTARIO
HAMILTON HARBOUR
QEW
Beach Blvd
403
Cootes Paradise
Burlington St
Barton St W
Barton St E
York Blvd
King St W
King St E
Main St W
Main St E
Cootes Dr
Aberdeen Ave
Dundurm St
Queen St
Bay St
James St
John St
Wellington St N
Wentworth St N
Sherman Ave N
Gage Ave N
Ottawa St N
Kenilworth Ave N
Parkdale Ave N
Woodward Ave
Nash Rd
Centennial Pkwy N
Lake Ave
Grays Rd
Queenston Rd
Fennell Ave W
Fennell Ave E
Garth St
West 5th St
Upper James St
Upper Wellington St
Upper Wentworth St
Upper Sherman Ave
Upper Gage Ave
Upper Ottawa Ave
Mount Albion Rd
Mohawk Rd W
Mohawk Rd E
Limeridge Rd W
Limeridge Rd E
LINC
Stone Church Rd W
Stone Church Rd E
Rymal Rd W
Rymal Rd E
North
City of Hamilton
DESIGNED AND PRODUCED BY THE CITY OF HAMILTON
THE PLANNING AND DEVELOPMENT DEPARTMENT,
TECHNICAL AND CARTOGRAPHIC SECTION

P+D 1998 Sept 29 defeated on tie
Council 1998 Sept 29 - referred Back. Sept 23 1998 Tabled

7c)

CITY OF HAMILTON

- RECOMMENDATION -

SEP : 1998

DATE: September 10, 1998
CDM-CONV-98-007
Hill Park Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

SUBJECT: Proposed Draft Plan of Condominium -
Condominium Conversion, 293 Mohawk Road East

RECOMMENDATIONS:

(1) That Condominium Conversion Application CDM-CONV-98-007 (Regional File 25CDM-98009), Barton Ellis Holdings Limited (In Trust), owner, to establish a draft plan of condominium located at 293 Mohawk Road East, as shown on APPENDIX "A", be denied for the following reasons:

(i) the proposal is premature until such time the Hamilton Mountain rental sub-market area is in a competitive, balanced situation; and,

(ii) the proposal would adversely affect the adequate provision of a full range of housing; and,

(iii) the proposal conflicts with criteria (i) and (ii) of the Condominium Conversion policy established by City Council on May 26, 1998.

(2) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

V. J. Abraham

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

Barton Ellis Holdings Limited (In Trust), owner.

Surveyor:

Bryan Jacobs O.L.S., Consoli & Jacobs Surveying Ltd.

Location:

Known municipally as 293 Mohawk Road East the subject property is 0.119 ha in size and contains a 7-storey apartment structure constructed in 1964 (see APPENDIX "B").

Proposal:

The owner is proposing to convert the existing 24 unit rental residential apartment building to condominium status (see APPENDIX "A"). The bedroom count and vacant units as of June, 1998 are as follows:

One-Bedroom	- 12 (3 vacant)
Two-Bedroom	- 12 (0 vacant)
Total	- 24 (3 vacant)

CURRENT POLICY AND DEVELOPMENT FRAMEWORK:

Hamilton-Wentworth Official Plan:

The lands are identified as "Urban" within the "Urban Policy Areas" of the Hamilton-Wentworth Official Plan (HWOP). The proposal does not conflict with the intent of the HWOP.

Hamilton Official Plan:

1. Land Use Designation

The subject lands are designated "Residential", according to Schedule "A" - Land Use Concept. The proposal does not conflict with the intent of the Official Plan.

2. Condominium Conversion Policies - Official Plan Amendment No. 151

At the time this application was formally accepted as complete by the Region of Hamilton-Wentworth on June 25, 1998, the City was in the process of establishing Official Plan policies addressing the issue of condominium conversions and demolitions of rental housing. Appendix "C" provides a detailed chronology of this initiative.

Official Plan Amendment No. 151 was forwarded to the Region of Hamilton-Wentworth for approval on July 22, 1998. A staff report recommending approval of the Amendment was approved by Regional Council on August 12, 1998. On September 3, 1998, notice of appeal to the Ontario Municipal Board (OMB) of the approval of OPA 151 was submitted to the Region; a hearing date has yet to be established by the Board.

Accordingly, OPA No. 151 will not be in effect until the day after all appeals have been withdrawn or dismissed by the Board.

Neighbourhood Plan:

There is no Neighbourhood Plan for the Hill Park Neighbourhood.

Zoning:

The subject lands are zoned "E" (Multiple Dwellings, Lodges, Clubs, Etc.) District. The Building Department has commented as follows:

"COMMENTS:

1. The recognized use is a twenty-four (24) unit multiple dwelling with a total of twenty-four (24) parking spaces contained within the building and at grade in the rear yard.

2. The dimensions of the parking spaces, manoeuvring spaces and access driveways have not been indicated. It appears that some of the parking space adjacent to the rear lot line do not have sufficient manoeuvring space."

Building Department staff advised that a revised plan showing appropriate dimensions would be required and, if necessary, Committee of Adjustment variances would be necessary.

City's Condominium Conversion Policy:

As part of the background preparatory work for the adoption of the Official Plan Amendment No. 151, Council adopted a formal Condominium Conversion policy on May 26, 1998. This was done to assist in the evaluation of proposed conversions to condominium until such time as the Official Plan Amendment was approved by Council. The key facet of this Council policy states:

> *"To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment and/or townhouse units comprised of six or more units will be permitted provided all of the following criteria are met:*

(i) the rental vacancy rate by dwelling/structure type for the City and the respective local housing market zone has been at or above 2.0% for the preceding twenty-four (24) months;

(ii) the proposed conversion will not reduce the rental vacancy rate by dwelling/ structure type to below 2.0% for the City and the respective local housing market zone; and,

(iii) the existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling/structure type."

The subject property is located within the "Hamilton Mountain" local housing market zone of the Condominium Conversion policy. This City-defined market zone correlates identically with the sub-market area "Zone 6 - Hamilton Mountain" utilized by Canada Mortgage and Housing Corporation (CMHC) for their annual Rental Market Survey, which is conducted every October. The relevant rental apartment market statistics for Council's Condominium Conversion policy are as follows:

Condominium Conversion Policy
Statistical Market Analysis

Rental Apartment Vacancy Rate - Criteria (i):

	City of Hamilton	Hamilton Mountain
October, 1996	2.45%	1.31%
October, 1997	3.51%	1.66%

Impact on Apartment Vacancy Rate - Criteria (ii):

	City of Hamilton	Hamilton Mountain
Pre-Conversion	3.51%	1.66%
Post-Conversion	3.50%	1.62%

Average Market Rents - Criteria (iii):

	Unit Count	293 Mohawk (June/98)	City of Hamilton (Oct/97)	Hamilton Mountain (Oct/97)
One-Bedroom	12	$688	$498	$510
Two-Bedroom	12	$808	$603	$611
Total	24			

Data Sources: Canada Mortgage and Housing Corporation (CMHC) and Barton Ellis Holdings Ltd.

Criteria (i) of Council's Condominium Conversion policy requires that the rental vacancy rate for the City and the respective local housing market zone must have been at or above 2.0% for the preceding twenty-four (24) months. The proposed condominium conversion at 293 Mohawk Road East Court fails this test as the rental apartment vacancy rate within the Hamilton Mountain local housing market zone as at October, 1997 was recorded at 1.66%. Moreover, the rental apartment vacancy rate has not been at or above 2.0% within the Hamilton Mountain local housing market zone since October, 1977.

Criteria (ii) of Council's Condominium Conversion policy requires that the proposed conversion will not reduce the rental vacancy rate to below 2.0% for the City and the respective local housing market zone. The proposed conversion does not reduce the City's rental apartment vacancy rate to below 2.0%; however, within the Hamilton Mountain local housing market zone, the rental apartment vacancy rate is further reduced under the 2.0% level from 1.66% to approximately 1.61%.

Criteria (iii) of Council's Condominium Conversion policy requires that the existing market rent levels for the units proposed to be converted are not to be significantly below the average market rent levels for the City and the respective local housing market zone. The units within 293 Mohawk Road East are divided equally between one and two-bedroom units. The average market rent for the occupied one and two bedroom units as reported by the agent for the owner is well above both the City of Hamilton average and Hamilton Mountain local housing market zone average. As a result, criteria (iii) has been satisfied as the average market rents at 293 Mohawk Road East are "not significantly below" the average market rent levels for the City and the respective local housing market zone.

Accordingly, the proposed conversion of the rental apartment building at 293 Mohawk Road East to condominium conflicts with the Condominium Conversion policy adopted by City Council on May 26, 1998 as criteria (i) and (ii) have not been met.

CONSIDERATION OF PROPOSED DRAFT PLAN OF CONDOMINIUM:

Background:

The Condominium Act under Section 50 provides direction that the provisions of the Planning Act pertaining to Plans of Subdivision will apply for the approval of a condominium description.

The Planning Act under Section 51(24) provides a number of criteria (12 in total) in considering a draft plan of subdivision/condominium. Staff have reviewed all of the criteria and two specific criteria have been identified that raise concerns in regard to the proposed Plan of Condominium at 293 Mohawk Road East. The preamble to this section of the Planning Act and the two criteria that have raised concerns are as follows:

> *"In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the municipality and to,*

(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

(b) whether the proposed subdivision is premature or in the public interest;"

Clause (a) of S.51(24) provides direction to have regard to the matters of provincial interest outlined in section 2 of the Planning Act. Section 2 outlines 16 specific matters of provincial interest and all were reviewed by staff to identify any possible concerns within the context of the proposed Plan of Condominium. One provincial interest was identified as being relevant in the context of the proposed Plan of Condominium and is as follows:

"The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

(j) the adequate provision of a full range of housing;"

Analysis:

The use of the word "*adequate*" in the sentence "the adequate provision of a full range of housing" in section 2(j) of the Planning Act is interpreted as meaning that housing opportunities are available for all households in a community. Moreover, the term "*adequate*" also has the connotation that housing opportunities are not unduly constrained or provided only on a minimal or token basis.

The phrase "*full range of housing*" is taken to mean:

1) a range of housing in various structure/dwelling types are available such as single-detached, semi-detached, row/townhouses, and apartments in the form of high-rise buildings, low-rise buildings and accessory apartments in grade-related dwellings; and,

2) a range of housing in various forms of tenure are available including rental, owner or co-operative.

The table on the following page is based from statistics provided by CMHC and shows the total number of rental housing dwelling starts in the City of Hamilton from 1990 to the first 3 months of 1998.

Rental Dwelling Starts
City of Hamilton

	Private		Assisted		Sub-	All	Percent
	Row	Apartment	Row	Apartment	Total	Starts	Rental
1998-Q1	8	0	0	0	8	59	13.6%
1997	28	0	0	0	28	722	3.9%
1996	0	0	6	0	6	436	1.4%
1995	0	0	34	177	211	548	38.5%
1994	0	0	13	240	253	741	34.1%
1993	0	0	231	4	235	662	35.5%
1992	0	0	238	181	419	824	50.8%
1991	0	0	443	165	608	971	62.6%
1990	130	7	0	155	292	1502	19.4%

Data Source: Canada Mortgage and Housing Corporation (CMHC).

The CMHC statistics above show that since the termination of the Provincial non-profit and co-operative housing programs in 1995, there have been no new rental apartment starts in the City of Hamilton. Specifically for the Hamilton Mountain, the last new rental apartment buildings constructed were started in May, 1995 at 1100 Limeridge Road East (57 units - Municipal (Hamilton) Non-Profit Housing Corporation) and in September, 1994 at 1365 Limeridge Road East (43 units - Inner City Co-op). CMHC has also indicated there are no "pending starts" of apartment rental housing of either a private or assisted category in the City of Hamilton.

As was identified earlier in this report, the rental apartment vacancy rate for the Hamilton Mountain (Zone 6) rental sub-market area was recorded at 1.66% in October, 1997 by CMHC. In October, 1996, the rental apartment vacancy rate was recorded at 1.31%.

According to CMHC, a rental apartment vacancy rate in the range of 2.0% to 3.0% is generally indicative of a rental housing marketplace that is in a competitive, balanced situation. In this balanced environment, the upward pressure on rents is tempered by the availability of vacant units and there is an adequate degree of choice and selection for prospective tenants. There is essentially a "level playing field" between the needs and interests of both tenants and landlords.

The rental apartment vacancy rate is also a broad indicator of the demand for rental housing units within a particular area. Considering the rental apartment vacancy rate for the Hamilton Mountain has not been at or above 2.0% since October, 1977, this is a firm indication that the demand for rental apartments in this part of Hamilton has, and continues to be, fairly strong.

Since the rental apartment vacancy rate for the Hamilton Mountain rental sub-market area is under 2.0% at present and has been for a considerable length of time, it is clear the rental housing marketplace in this area of Hamilton is not in a competitive or balanced situation.

In addition, there has been no new construction of rental apartment units since 1995 in the City of Hamilton or the Hamilton Mountain as a result of the termination of the Provincial non-profit and co-operative housing programs and no private apartment rental units constructed since 7 units were started in 1990. As such, removal of rental housing units from the Hamilton Mountain through conversion to condominium would exacerbate the current rental market situation.

Accordingly, until the rental apartment housing marketplace for the Hamilton Mountain rental sub-market area is in a more competitive and balanced situation, the approval of rental apartment units for conversion to condominium would be premature and, in addition, the proposal would adversely affect the "adequate provision of a full range of housing" which is a matter of Provincial interest as outlined in the Planning Act.

OVERALL RENTAL MARKET IMPACT:

In addition to this specific proposal for conversion to condominium, there are five other applications within the City of Hamilton for converting rental apartment buildings to condominium. The municipal address, the respective sub-market area/local housing market zone and the number of units affected for all six applications are noted below:

1) 11 Kendale Court, Hamilton Mountain, 101 units;
2) 21 Kendale Court, Hamilton Mountain, 101 units;
3) 293 Mohawk Road East, Hamilton Mountain, 24 units (subject property);
4) 893 Concession Street, Hamilton Mountain, 22 units;
5) 1950 Main Street West, West End/West Hamilton, 88 units; and,
6) 37-57 Mericourt Road, West End/West Hamilton, 66 units.

The cumulative impact of converting these units to condominium was assessed at the City of Hamilton level and at the respective sub-market area/local housing market zone level. For demonstrative purposes, the effect on the rental apartment vacancy rates as at October, 1997 if all the conversions occurred in their respective sub-market area/local housing market zone would be estimated as follows:

	City of Hamilton	Hamilton Mountain	West End/ West Hamilton
Pre-Conversion	3.51%	1.66%	0.71%
Post-Conversion	3.42%	1.49%	0.40%

In all three geographic areas, the rental apartment vacancy rate would experience a slight decline.

COMMENTS FROM CIRCULATION:

The Regional Environment Department, Development Engineering Section advised the following:

"**Recommendations:**

None.

Information:

1. There is an existing Municipal sanitary sewer and storm sewer available to service this development directly.

2. There is an existing Municipal watermain adjacent to this development to service these lands directly.

3. There are no road widening required by the Region.

4. There is no Municipal share of services to be installed for this development.

The submitted plan, as prepared by Consoli & Jacobs Surveying Ltd. and dated March 24, 1998, is satisfactory to the Regional Environment Department, subject to the above comments and recommendations."

The Traffic Division, Department of Public Works and Traffic advised that they have "no comments."

The Building Department advised the following:

"COMMENTS:

1. The recognized use is a twenty-four (24) unit multiple dwelling with a total of twenty-four (24) parking spaces contained within the building and at grade in the rear yard.

2. The dimensions of the parking spaces, manoeuvring spaces and access driveways have not been indicated. It appears that some of the parking space adjacent to the rear lot line do not have sufficient manoeuvring space."

Building Department staff advised that a revised plan showing appropriate dimensions would be required and, if necessary, Committee of Adjustment variances would be necessary.

COMMENTS:

1. A rental apartment vacancy rate in the range of 2.0% to 3.0% is indicative of a healthy, competitive and balanced rental housing marketplace. The rental apartment vacancy rate for the Hamilton Mountain rental sub-market area was recorded by Canada Mortgage and Housing Corporation at 1.66% in October, 1997 and 1.31% in October, 1996. Accordingly, until such time the rental housing marketplace in the Hamilton Mountain sub-market area is in a balanced, competitive situation, approval of the proposed Plan of Condominium for 293 Mohawk Road East would be premature.

2. There has been no new construction of rental apartment units in the City of Hamilton or specifically within the Hamilton Mountain since 1995. Further, in recognition that the rental apartment vacancy rate has not been at or above 2.0% for the Hamilton Mountain since October, 1977, the removal of the rental apartment units at 293 Mohawk Road East through the conversion to condominium would adversely affect the adequate provision of a full range of housing.

3. Hamilton Official Plan Amendment No. 151 has been appealed to the Ontario Municipal Board. This OPA outlines criteria in which proposed conversions to condominium and demolitions can occur. OPA No. 151 will not be in effect until the day after all appeals have been withdrawn or dismissed by the Board.

4. The proposal does not conflict with the intent of the Official Plan at the time the application was deemed complete (June 25, 1998).

5. The proposed conversion conflicts with criteria (i) and (ii) of the Condominium Conversion policy adopted by Council on May 26, 1998. The rental apartment vacancy rate has been below 2.0% within the Hamilton Mountain local housing market zone for both October, 1996 and October, 1997. Further, removal of the rental units will reduce the rental apartment vacancy rate in the Hamilton Mountain local housing market zone further below the 2.0% level.

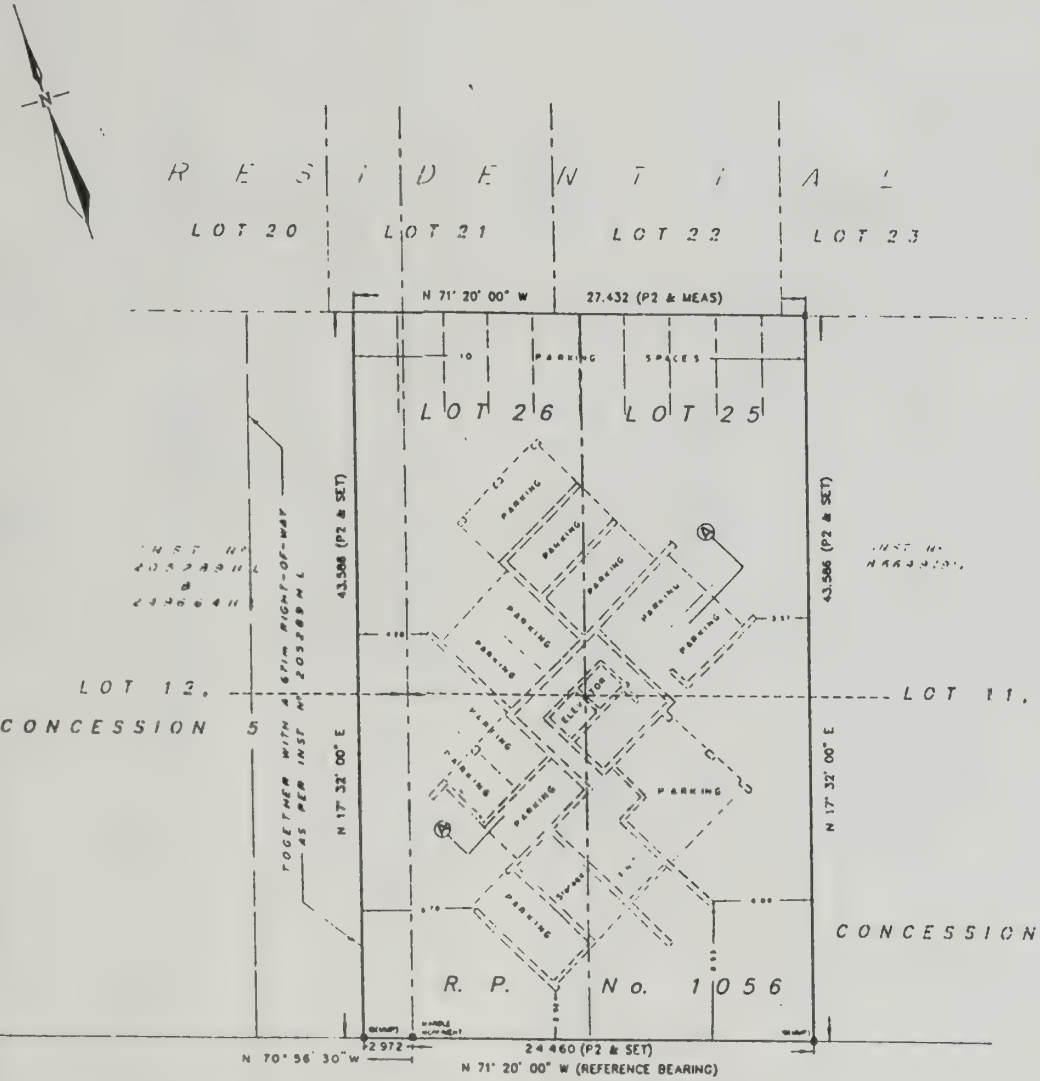
CONCLUSION:

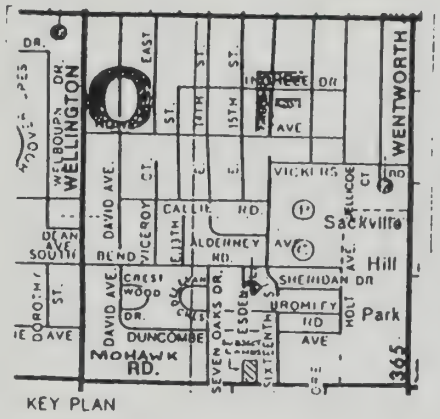
On the basis of the forgoing, the proposed plan of condominium cannot be supported.

KE/ke

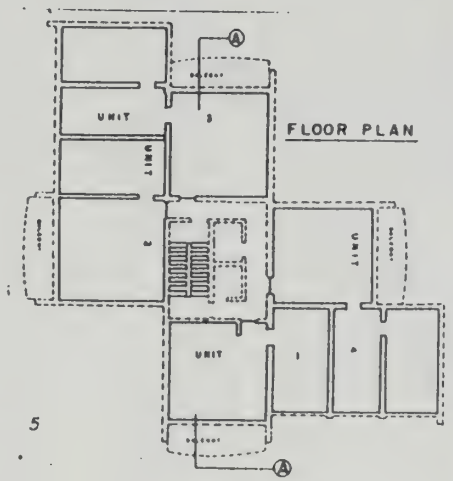
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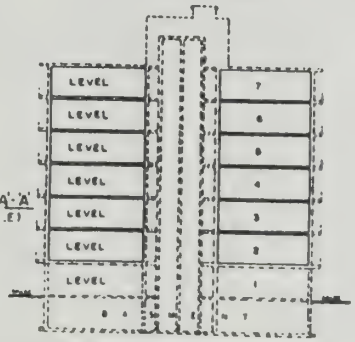
25CDM-98009





KEY PLAN





SECTION A-A
(NOT TO SCALE)

DRAFT PLAN OF
LOTS 25 & 26
REGISTERED PLAN No. 1056
BRIAN SURVEY
BEING A PROPOSED CONDOMINIUM IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON – WENTWORTH
SCALE 1:200

CONSOLI & JACOBS SURVEYING LTD.
ONTARIO LAND SURVEYORS
1995

METRIC NOTE:
DIMENSIONS ARE SHOWN IN METRIC AND CAN BE CONVERTED BY DIVIDING BY 0.3048.

BEARING NOTE:
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE NORTHERLY LIMIT OF MOHAWK ROAD AS SHOWN ON REGISTERED PLAN No. 1056 AS HAVING A BEARING OF N 71° 20' 00" W.

LEGEND

SURVEY MONUMENT FOUND	●
SURVEY MONUMENT PLANTED	D
STANDARD IRON BAR	●
IRON BAR	●
CUT CROSS	⊠
MACKAY MACKAY & PETERS	MMP
WITNESS	WIT.
ORIGIN UNKNOWN	O/U
REGISTERED PLAN No. 1056	P1
SURVEY BY MACKAY MACKEY & PETERS DATED APRIL 2, 1964	P2

SCHEDULE Re: SECTION 50(2) (PLANNING ACT)

A. SEE DRAFT PLAN	G. SEE DRAFT PLAN
B. SEE DRAFT PLAN	H. MUNICIPAL WATER
C. SEE DRAFT PLAN	I. SANDY LOAM
D. RESIDENTIAL (ZONED E)	J. NOT APPLICABLE
E. SEE DRAFT PLAN	K. ALL MUNICIPAL SERVICES
F. SEE DRAFT PLAN	L. SEE DRAFT PLAN

SITE STATISTICS

LOT AREA: 0.119 Ha
NUMBER OF UNITS: -
DENSITY: 234 UNITS/Ha
NUMBER OF PARKING SPACES: 27

OWNER'S CERTIFICATE
I HEREBY AUTHORIZE CONSOLI & JACOBS SURVEYING LTD. TO PREPARE AND SUBMIT THIS CONDOMINIUM DRAFT PLAN TO THE REGIONAL MUNICIPALITY OF HAMILTON – WENTWORTH

June 27/1995 — BRUNO MEGNA
DATE

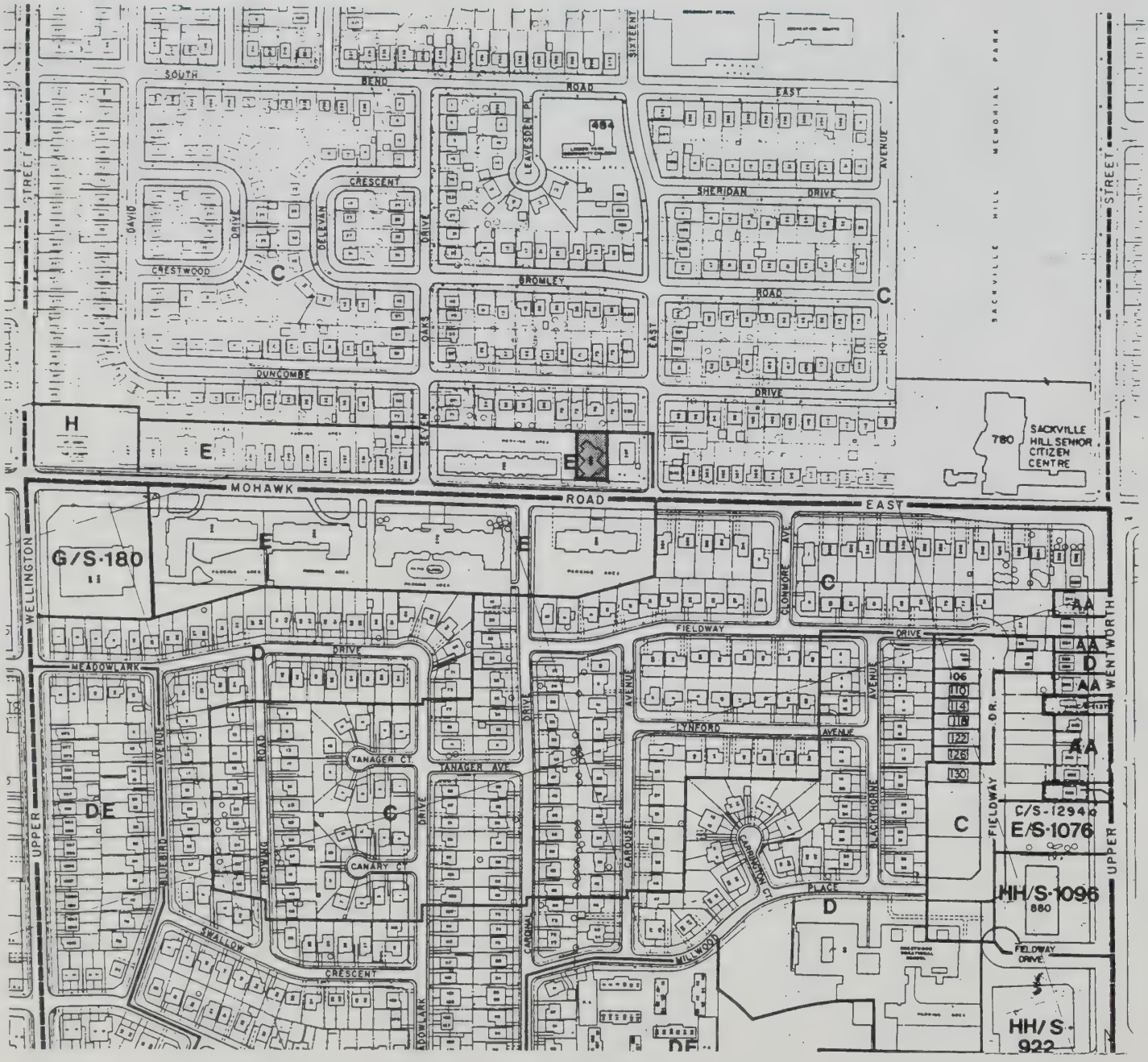
SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED ARE ACCURATELY SHOWN

June 27, 1995 — B. A. JACOBS O.L.S.
DATE — ONTARIO LAND SURVEYOR

CONSOLI & JACOBS
SURVEYING LTD.
131 JOHN ST. S., HAMILTON - SUITE 101
TEL.(905)-521-1535-FAX(905)-521-0089 (L8N 2C3)

APPENDIX "A"

APPENDIX "B"



City of Hamilton

Location Plan For

293 Mohawk Road East

Planning and Development Department

Legend

Location of Subject Lands

North	Scale	Reference File No.
	Not to Scale	CDM-CONV-98-007 (25COM-98009)
	Date	Drawn By
	August 1998	FAB

Chronology of Key Events and Actions
Proposed Official Plan Amendment
Protection of the Rental Housing Stock

APPENDIX "C"

Feb 16/98	City Planning and Development Department staff begin review of the Tenant Protection Act in the context of condominium conversions. Contact initiated with other municipalities, the Province and Canada Mortgage and Housing Corporation.
Mar 10/98	Staff from Regional Environment Department provide written comments to City Planning staff on draft Official Plan policies proposing criteria in which proposed condominium conversions and demolitions would occur.
Mar 19/98	City Planning staff attend meeting of Social Housing and Action Committee (SHAC) to discuss concepts of rental housing protection at the municipal level.
Mar 30/98	Telephone conversation with Executive Director of Hamilton & District Apartment Association (HDAA) to discuss concepts of rental housing protection at the municipal level.
Apr 4/98	Newspaper advertisement in Hamilton Spectator providing notification of a Public Meeting of the Planning and Development Committee on April 22, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.
Apr 14/98	Correspondence received from SHAC commenting on desired objectives in proposed Official Plan Amendment.
Apr 14/98	Correspondence received from HDAA commenting on desired objectives in proposed Official Plan Amendment.
Apr 21/98	Correspondence received from the Niagara Escarpment Commission in regard to the proposed Official Plan Amendment.
Apr 22/98	Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment; recommendation report tabled for a period of one month.
May 5/98	Newspaper advertisement in Hamilton Spectator providing notification of a Public Meeting of the Planning and Development Committee on May 14, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.
May 14/98	Correspondence received questioning the timing of the public notification advertisement for the May 14, 1998 Public Meeting of the Planning and Development Committee.
May 14/98	Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment. It was agreed by Committee to hold another Public Meeting in June and adopt the staff Condominium Conversion recommendation as a policy.
May 23/98	Newspaper advertisement in Hamilton Spectator providing notification of a Public Meeting of the Planning and Development Committee on June 24, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.

May 25/98 Correspondence received commenting on the City's Condominium Conversion policy and the legal basis of the proposed Official Plan Amendment.

May 26/98 City Council formally adopts the Condominium Conversion policy as recommended by the Planning and Development Committee.

Jun 4/98 City Planning staff meet with the Executive Director of the Hamilton & District Apartment Association to discuss the proposed Official Plan Amendment.

Jun 5/98 City Planning staff discuss proposed Official Plan Amendment with owner/agent of previous condominium conversion applications in Hamilton.

Jun 8/98 City Planning and City Law staff meet with representatives of the Hamilton-Halton Home Builders' Association and other guests to discuss the proposed Official Plan Amendment.

Jun 17/98 The Tenant Protection Act is proclaimed in force. Accordingly, The Rental Housing Protection Act is repealed.

Jun 18/98 Application for proposed Plan of Condominium 25CDM-98006 (11 Kendale Court) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.

Jun 18/98 Application for proposed Plan of Condominium 25CDM-98007 (21 Kendale Court) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.

Jun 18/98 Application for proposed Plan of Condominium 25CDM-98008 (65 Mount Albion Road) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.

Jun 24/98 Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment. Proposed Official Plan Amendment is approved by Committee.

Jun 25/98 Application for proposed Plan of Condominium 25CDM-98009 (293 Mohawk Road East) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.

Jun 29/98 Application for proposed Plan of Condominium 25CDM-98011 (1950 Main Street West) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.

Jun 29/98 Application for proposed Plan of Condominium 25CDM-98012 (37-57 Mericourt Road) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.

Jun 30/98 Application for proposed Plan of Condominium 25CDM-98013 (893 Concession Street) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.

Jun 30/98	City Council approves a revised Official Plan Amendment that provides a criteria by which to evaluate proposed condominium conversions and demolitions. Condominium Conversion policy adopted previously by Council is rescinded.
Jul 7/98	Official Plan Amendment No. 151 is adopted by City Council by By-Law #98-197.
Jul 22/98	Official Plan Amendment No. 151 is forwarded to the Region of Hamilton-Wentworth for approval.
Aug 12/98	Regional Council recommends that Official Plan Amendment No. 151 be approved by the Commissioner of the Regional Environment Department.
Aug 17/98	Notice of decision of Official Plan Amendment No. 151 by the Region of Hamilton-Wentworth.
Sep 3/98	Notice of appeal of Official Plan Amendment No. 151 is submitted to the Region of Hamilton-Wentworth.

7c i)

CITY OF HAMILTON

- INFORMATION -

DATE: October 23, 1998
CDM-CONV-98-007
Hill Park Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

SUBJECT: Proposed Draft Plan of Condominium -
Condominium Conversion, 293 Mohawk Road East,
Additional Information

BACKGROUND:

The Planning and Development Committee at its meeting of October 7, 1998 requested additional information in regard to the proposed conversion to condominium of the rental apartment building located at 293 Mohawk Road East (24 units). The additional information is as follows:

Building Improvements -

Exterior

a. All original windows replaced with new vinyl or aluminium thermal paned windows.
b. All landscaping upgraded.
c. All walkways replaced or repaired.
d. All storm doors will be replaced for the units.
e. The parking lot would be resurfaced.
f. Any damaged bricks replaced or cladded with aluminum siding.

Interior

a. All fridges replaced with new full sized frost-free fridges.
b. All stoves replaced with new full sized stoves.
c. All water taps in kitchens and bathrooms will be replaced.
d. All bathroom tiles and floors will be replaced.
e. All kitchen floors will be replaced.
f. All interior doors will be replaced.
g. All corridors and fire stairwells will be painted and refurbished.
h. Replace, repair or refurbish all railings, walls, ceilings and lighting in all the common areas.
i. New carpet will be installed in the hallways.
j. Refurbish and improve lobby hallways.

Price of Converted Units -

The applicant has indicated the one-bedroom units will be sold for "in the low $50,000 range" and the two-bedroom units will be sold for "in the low $60,000 range." The applicant has also indicated that existing tenants can purchase their units for $3,000 less or 5 percent less than the appraised value of the unit, whichever is greater.

Further, if the tenant chooses not to have a new fridge and stove installed, the unit can be purchased for an additional $1,000 less than the appraised value. Moreover, if the tenant chooses not to have the interior unit renovations undertaken, the unit can be purchased for an additional $4,500 less than the appraised value.

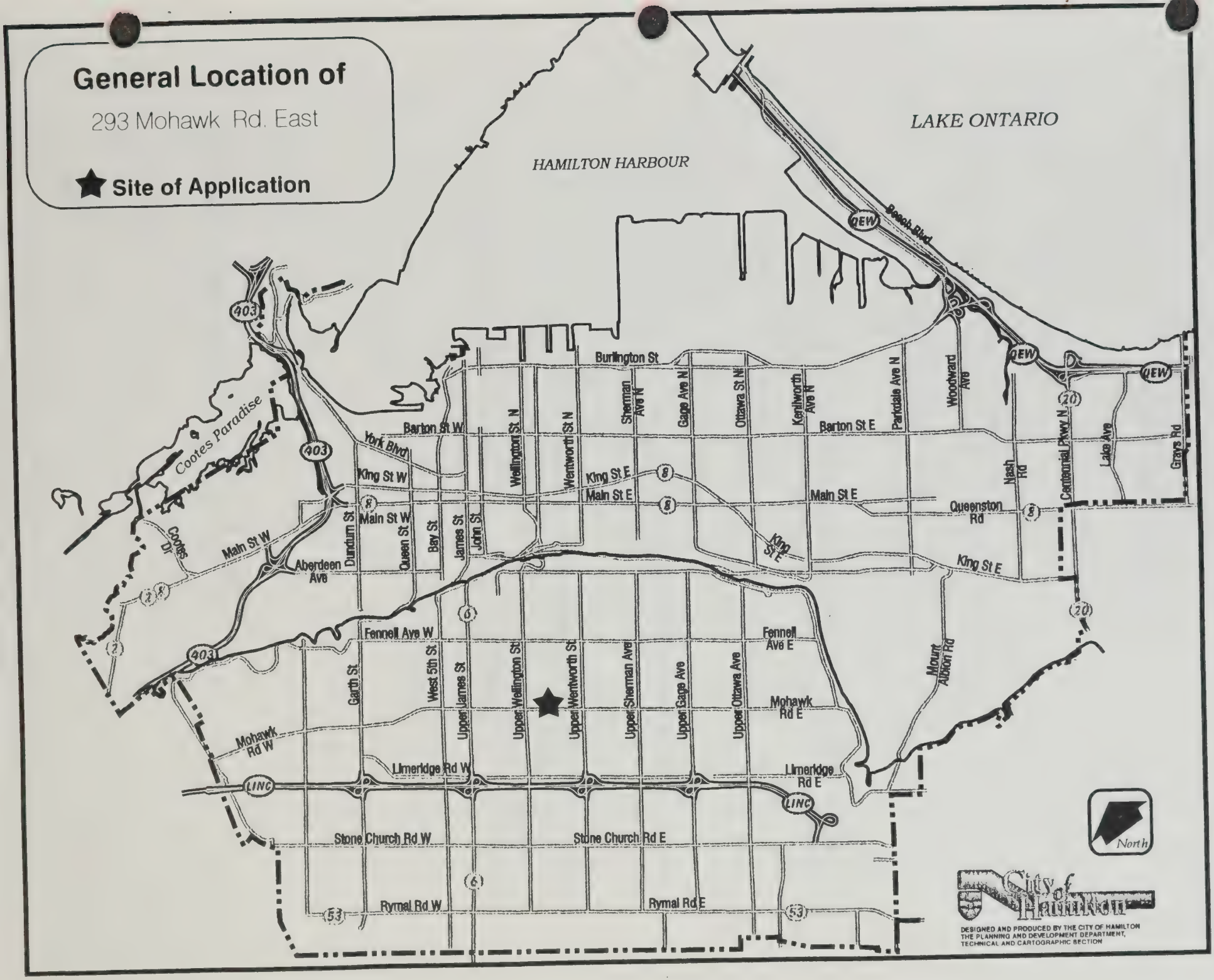
Tenant Opinions and Intentions -

A pre-stamped short survey questionnaire was mailed to all tenants. As of October 23, 1998, of the total 24 surveys that were mailed, 7 surveys were returned with the following results:

1. Are you...	in favour of the proposal? -	6
	opposed to the proposal? -	1
	undecided? -	0
2. Do you...	intend to purchase a unit? -	0
	prefer to remain as a tenant? -	6
	undecided? -	1

For the information of Committee, all of this additional information will be obtained for future proposed condominium conversions and presented in the main staff report.

KE/ke


General Location of
293 Mohawk Rd. East
Site of Application
LAKE ONTARIO
HAMILTON HARBOUR
Beach Blvd
QEW
403
Cootes Paradise
Cootes Dr
Main St W
Aberdeen Ave
Dundurn St
Queen St
Bay St
James St
John St
Wellington St N
Wentworth St N
Sherman Ave N
Gage Ave N
Ottawa St N
Kenilworth Ave N
Parkdale Ave N
Woodward Ave
Burlington St
Barton St W
Barton St E
York Blvd
King St W
King St E
Main St W
Main St E
Queenston Rd
Nash Rd
Centennial Pkwy N
Lake Ave
Grays Rd
20
8
6
2
Fennell Ave W
Fennell Ave E
Garth St
West 5th St
Upper James St
Upper Wellington St
Upper Wentworth St
Upper Sherman Ave
Upper Gage Ave
Upper Ottawa Ave
Mount Albion Rd
Mohawk Rd W
Mohawk Rd E
Limeridge Rd W
Limeridge Rd E
LINC
Stone Church Rd W
Stone Church Rd E
Rymal Rd W
Rymal Rd E
53
North
City of Hamilton
DESIGNED AND PRODUCED BY THE CITY OF HAMILTON
THE PLANNING AND DEVELOPMENT DEPARTMENT,
TECHNICAL AND CARTOGRAPHIC SECTION

7 d)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 October 23

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

SUBJECT: ***Conservation Review Board Appeal concerning the Proposed Designation of the McMaster University Historic Core--Proposal to investigate the possibility of a settlement***

RECOMMENDATION:

i) That Council approve the investigation of settlement options with McMaster University regarding the proposed designation of the University's Historic Core under the Ontario Heritage Act; and,

ii) That, for this purpose, Council approve the establishment of a special review committee consisting of the Mayor, the chairman of the Planning and Development Committee, a Ward I alderman, and the chairman of LACAC and two LACAC representatives, to commence negotiations and report back with recommendations to LACAC, Planning and Development Committee and Council; and

iii) That the process begin with discussions at the staff level as suggested by representatives of McMaster University.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

City Council, on 1998 March 31, approved the Intent to Designate the historic core of McMaster University. On 1998 May 26, McMaster University filed a formal Notice of Objection in accordance with the provisions of the Ontario Heritage Act. When a Notice of Objection is filed, a Conservation Review Board Hearing is to be convened.

In an attempt to resolve the issue outside of a Conservation Review Board Hearing, the lawyers of McMaster University sent a letter to the Conservation Review Board requesting a postponement of the scheduling of a hearing in order to investigate the possibility of a settlement.

On 1998 September 2 representatives from McMaster University held a meeting with the Mayor, Ald. D'Amico, and staff, and proposed the idea of investigating a possible settlement. A follow-up letter from Evans Philp, on behalf of the University, to the Law Department on 1998 September 15 (attached) describes the result of the discussion, which formed the basis for the above recommendation

Chronology

1998 March 31	City Council approved the Intent to Designate the historic core of McMaster University;
1998 May 26	Evans Philp on behalf of McMaster University filed a Notice of Objection; in accordance with the provisions of the Ontario Heritage Act, the City referred the matter to the Conservation Review Board.
1998 July 31	Letter from Evans Philp representing McMaster University was sent to the Conservation Review Board, requesting a postponement of the hearing and advising their intention to try to resolve the matter of designation mutually.
1998 September 2	Representatives of McMaster University and its lawyer met with the Mayor, Alderman D'Amico and staff to discuss setting up a process for holding a settlement discussion between McMaster University and the City. At this meeting it was agreed that the process would begin with discussions at the staff level to be reported back subsequently to the appropriate parties for further direction or to obtain approval.
1998 September 15	Letter from Mr. Bocock of Evans, Philp to Mr. Zuidema of the Law Department, confirming the discussion of September 2. (attached)

It is proposed that Bill Janssen, Division Head, Policy and Neighbourhood Planning; Steve Robichaud, Planner; and Nina Chapple, Architectural Historian, as City staff representatives, will attend the initial meetings with McMaster staff.

Mr. Bocock's letter of September 2 advises that upon receiving the names of the City staff representatives, the University would likewise identify staff representatives and that within thirty or so days a meeting of the staff would take place.

The purpose of this initiative is to see if the appeal of the proposed designation of McMaster University's Historic Core can be resolved to the satisfaction of both parties without a Conservation Review Board Hearing.

NC

cc Mayor Morrow
Alderman D'Amico, chair, P&D
Ald. Caplan and Ald. Kiss (Ward I)
P. Noe-Johnson, City Solicitor
D. Dent, Chairman, LACAC

Evans, Philp

BARRISTERS AND SOLICITORS

W. IAN GORDON, Q.C., LL.B.
LARRY G. CULVER, LL.B.
BRENT J. FOREMAN, LL.B.
RANDALL S. BOCOCK, LL.B.
MARK J. ZEGA, LL.B.
LINDA M. O'BRIEN, LL.B.
RICHARD D. SIMMONS, LL.B.
CATHERINE V. BYRNE, LL.B.

** JOSEPH M. PIGOTT, Q.C., LL.B.
ROBERT H. ROGERS, LL.B.
PAUL H. PHILP, LL.B.
WAYNE R. RICHARD, LL.B.
SHANNON V. PARSONS, LL.B.
LORRAINE E. TAKACS, LL.B.
DARREN R. CHARTERS, LL.B.

ORVILLE M. WALSH, K.C.
(1919-1968)

F. JOHN L. EVANS, Q.C., LL.B.
(1931-1990)

* CERTIFIED BY THE LAW SOCIETY OF UPPER CANADA AS A SPECIALIST IN CIVIL LITIGATION

** REGISTERED TRADE MARK AGENT

(905) 525-1200
FAX (905) 525-7897

16TH FLOOR, COMMERCE PLACE
ONE KING STREET WEST

MAIL
P.O. BOX 630 STATION A

HAMILTON, CANADA
L8N 3P9

September 15, 1998

Mr. Art Zuidema
Corporation of the City of Hamilton
Law Department
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Dear Mr. Zuidema:

Re: McMaster University and the City of Hamilton
Designation of the City's Central Core under the Ontario Heritage Act
Your File No. 40-98/98.1
Our File No. 414-1

We write further to our letter of August 28, 1998. In addition we write further to a meeting that was held between representatives of the University, Mr. A.L. Darling, Vice-President of Administration, Mr. Urmus Soomet, Chair of the Planning and Development Committee of the Board of Governors of McMaster University, and representatives of the City, Mayor Bob Morrow, Nina Chapple and Mr. Abraham and Alderman D'Amico.

As I discussed with you prior to the meeting, the purpose of this recent meeting was to simply request that the appropriate staff members of the Corporation of the City of Hamilton and McMaster University agree to sit down for the purposes of holding a settlement discussion with respect of this matter. McMaster proposed simply that it would like to discuss with representative staff of the City its concern with the present draft designation by-law and certain changes which might make McMaster University endorse and support the by-law.

At the meeting the parties agreed to the following format:

1. The City through Nina Chapple after consultation with Mayor Morrow, Alderman D'Amico and other representatives of the City would make a suggestion to Mr. A.L.

Darling of three or four people from the City who would be available for such a discussion.

2. After receiving these names Mr. Darling would make a similar recommendation.

3. Within thirty or so days the parties would get together (without counsel) and have without prejudice discussions concerning the present draft designation by-law with the good faith intention of resolving some of the outstanding objections of McMaster with respect to same.

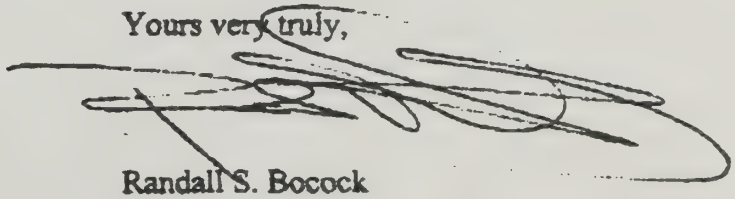
4. The parties would then presumably report back to the appropriate parties at the City and the Board of Govenors of McMaster University to obtain approval or further directions.

In the meantime, as regards the hearing before the Conservation Review Board ("CRB"), it was agreed that you and I would jointly instruct the CRB to hold this matter in abeyance subject to further notice from either party.

Accordingly, it would appear that our role at present would be to so advise the CRB until the parties have concluded their without prejudice discussions.

I wonder if you might contact me regarding the form of letter we might send to the Conservation Review Board regarding this development.

Yours very truly,



Randall S. Bocock

RSB/tl

cc: Mr. A.L. Darling
Mayor Robert Morrow
Alderman D'Amico
Ms. Nina Chapple
Mr. Victor Abraham, Planning and Building Department

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Office of the City Clerk

Memorandum

8.

TO: P. Noé Johnson
City Solicitor
Attention: D. Powers

FROM: Tina Agnello
Secretary
Planning and Development Committee

DATE: 1998 October 23

SUBJECT: **Fourth Real Properties Ltd., Lessee, Lloyd D. Jackson Square – Application by Lesee for Approval to Leasehold Mortgage**

The Planning and Development Committee, at its meeting of 1998 October 21, resolved that the above-noted matter be tabled in order to allow staff to report back regarding the reason for the increase in the amount of the mortgage.

TA/jt

cc: Alderman F. D'Amico, Chairperson, Planning and Development Committee
Alderman B. Charters, Planning and Development Committee

file

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 October 2 OCT 0 : 1998
(1-45/98.1)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: P. Noé Johnson
City Solicitor

SUBJECT:
- Fourth Real Properties Limited, Lessee, Lloyd D. Jackson Square
- Application by Lessee for approval to leasehold mortgage

RECOMMENDATION:

(a) That approval be granted to the application of Fourth Real Properties Limited, (which holds a ninety-nine year Ground Lease from the City of the portion of Jackson Square known as the Standard Life Building, 120 King Street West), to a new first mortgage of the Ground Lease by our Lessee, as borrower, in favour of Royal Trust Corporation of Canada, Mortgagee, in an amount not exceeding $56,900,000. at an interest rate not exceeding 7%, for a term of 10 years, subject to the following conditions:

(i) That the tenant's new leasehold mortgage be subject to the rights of the City as Lessor under the Ground Lease dated 1981 June 1, entered into by the City as Lessor and Fourth Real Properties Limited (formerly Fourth Phase Civic Square Limited) as Lessee; and,

(ii) That the tenant's new leasehold mortgage be a first mortgage in favour of Royal Trust Corporation of Canada, Trustee for The Standard Life Assurance Company; and,

(iii) That Royal Trust Corporation of Canada and Fourth Real Properties Limited enter into and deliver to the City,

(1) the City's Lloyd D. Jackson Square "Consent to Mortgage Agreement", in which the Mortgagee agrees to be bound by the Ground Lease if it were to take over the Lease; and,

(2) an Undertaking to the City to abide by the obligations of Fourth Real Properties Limited under the Hotel Interface Agreement dated 1984 July 30; and,

(iv) That the Mayor and City Clerk be authorized to execute the City's Consent Agreement in a form satisfactory to the City Solicitor. The Agreement shall be registered by the Lessee on title the premises leased from the City.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The City is neither lending any funds nor assuming any debts, but is granting its approval as Landlord, to our long term Lessee borrowing funds from the Royal Trust Corporation of Canada secured by a mortgage of its leasehold interest to the lender.

BACKGROUND:

Under the 1981 June 1 Ground Lease between the City, as Lessor, and Fourth Real Properties Limited, as Lessee, of Jackson Square premises known as 120 King Street West, the Lessee's mortgages of its Lease are subject to approval of the City, as Lessor.

Fourth Real Properties Limited is re-organizing its existing leasehold mortgage in order that its rental rates will remain competitive in the office rental market. Under the proposed new leasehold mortgage, interest will be reduced from 10% to 7%, an early renegotiation fee increases the loan from 51 million to 56.9 million dollars, but the carrying costs are reduced significantly. No new funds are being advanced to the Tenant by Royal Trust.

The Real Estate Division, Clerk's Department, evaluated these proposed adjustments to our Tenant's leasehold mortgage and reported these will not impair the ability of the Tenant from continuing to meet its leasehold rent obligations to the City, its Landlord. As the financial details reviewed by the Real Estate Division were satisfactory, no additional input from the City Treasurer in respect of this application was required. Accordingly, it is recommended above that the City as Landlord grant approval to our Tenant's proposed new leasehold mortgage.

Under the above recommendation, the City's Tenant, as a condition of this approval, will be required (with its lender), to enter into the City's standard Mortgage Approval Agreement under which the lender formally confirms its obligation to comply with the City Ground Lease if it should ever take over the Lease, or if the lender exercises its right to assign the Ground Lease.

The Treasury Department confirms that rent under this Ground Lease due the City, including realty taxes, is in good standing.

PNJ/DAP/js

c.c. J. J. Schatz, City Clerk
Attn: M.C.J. Watson,
Manager, Real Estate Division
c.c. A. C. Ross, City Treasurer
Attn: T. Daw, Manager of Revenues

OCT 2 1998

8 i)

CITY OF HAMILTON

- INFORMATION -

DATE: 1998 October 28
(1-45/98.1)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: P. Noé Johnson
City Solicitor

SUBJECT: -- Fourth Real Properties Limited, Lessee
Lloyd D. Jackson Square
-- Application by Lessee for approval to leasehold mortgage

BACKGROUND:

The City Solicitor's Report, dated 1998 October 2, recommending that the City, as Landlord, consent to a new leasehold mortgage by Fourth Real Properties Limited in favour of Royal Trust, was tabled at your meeting of 1998 October 21 to the following meeting of your Committee for additional information.

DISCUSSION:

A Memo dated 1998 September 24 prepared by the Real Estate Division is attached as Schedule "A" because it provides an explanation of the proposed financial arrangements of the City's Tenant, Fourth Real Properties Limited including why the amount of the leasehold mortgage is being increased. In their Memo, Real Estate states its opinion that, "...there is nothing that should be of concern relating to the proposed restructuring of the mortgage to the City of Hamilton as Land Lessor. The proposed arrangement would not materially affect the ability of Fourth Real to meet its obligations under the ground lease."

The City's long term Jackson Square Ground Leases provide that our Tenants may mortgage their leasehold interest from time to time, subject to the City's consent, as Landlord.

Although our Tenants' leasehold mortgages are subject to the City's consent, the City is not liable for our Tenants' debt, even if our Tenant were to default in its rent or its mortgage payments. A lender to the Tenant, such as Royal Trust, would be entitled to assume the Ground Lease providing the lender keeps in good standing the rent payable to the City. Where rent is not paid, the City is entitled to sue our Tenant to recover the rent or to terminate the Ground Lease and to repossess the leased premises free of both the Ground Lease to the Tenant and free of the Tenant's leasehold mortgage.

The City's Jackson Square Ground Leases require our Tenants to obtain the City's consent, as Landlord, to the Tenants' leasehold mortgages for two reasons,

(1) Firstly, the lender to our Tenant would be entitled (by the leasehold mortgage) to assume the Ground Lease -- in other words, to become the City's new Tenant, in the event the Tenant did not keep its mortgage payments in good standing. Accordingly, the City as Landlord, has the right to approve who our Tenant's proposed lenders are from time to time.

> Comment: In this instance, the lender is Royal Trust, in trust for Standard Life Assurance Company, which has a well established position among Canadian businesses; and,

(2) Secondly, if a proposed leasehold mortgage would impose obligations which may impair the Tenant's ability to pay its rent to the City, the City (as Landlord) may decide not to consent to such proposed leasehold mortgage because it is not reasonable.

> Comment: As indicated in the attached Memo dated 1998 September 24, Real Estate is satisfied that the proposed leasehold mortgage would not impair our Tenant's ability to pay rent, including realty taxes, to the City. In this regard, Treasury has also confirmed that rent, (including realty taxes) payable to the City by Fourth Real Properties Limited, are in good standing.

For the information of the Committee, City Council has, as Landlord, in prior years also consented to leasehold mortgages by Fourth Real Properties Limited and by our other three Jackson Square long term Lessees.

Based on the foregoing, it is recommended that the City, as Landlord, consent to the said proposed leasehold mortgage between Fourth Real Properties Limited as borrower and Royal Trust as lender.



PNJ/DAP/js
Attach

c.c. M.C.J. Watson, Manager, Real Estate Division
City Clerk's Department
Attn: K. Anderson, Appraiser Co-ordinator

SCHEDULE "A" (Page 1 of 2)

REAL ESTATE DIVISION

RECEIVED

SEP 2 9 1998

LAW DEPARTMENT

MEMORANDUM

****

MEMO TO: David Powers
Senior Solicitor
Law Department

YOUR FILE:
PHONE: (905)546-4642

FROM: Keith Anderson
Appraiser Co-ordinator

OUR FILE:
PHONE: (905)546-4509

SUBJECT: **Phase 4, Jackson Square Re-financing**

DATE: 1998 September 24

Further to our conversation a week or so ago, I have had the opportunity to review the letter from Jim Milligan dated August 24, 1998, as corrected by a subsequent letter sent on September 8th and the existing ground lease and mortgage documents. As you know, Mr. Milligan is the solicitor for Fourth Real Properties Limited (formerly Fourth Phase Civic Square Limited) and in his letter he is requesting that we review the proposed mortgage restructuring of Phase 4 Jackson Square and ". . . instruct the City's Legal Department to commence the usual approval process for a transaction of this nature."

From my review of the ground lease for Phase 4 dated June 1, 1981 between the City of Hamilton and Fourth Phase Civic Square Limited, it appears the relevant section in this case is Article XVI, titled "First Mortgage", Section 16.01. Subsection (e) states that the terms of the said mortgage and the amount thereof shall be subject to the reasonable approval of the Lessor (the City).

The letter from Mr. Milligan explains that "Fourth Real" wants to re-negotiate their mortgage with Royal Trust Corp., Trustee for Standard Life, prior to the end of the existing mortgage term. The current mortgage that had an original principal of $55,000,000 commenced October 1, 1986 with the term ending October 1, 2001, three years from now. The interest rate is 10 ¾ % and the monthly payment of principal and interest is $494,691 (a 35 year amortization). Fourth Real wants to terminate the existing mortgage and commence a new mortgage with $56,887,909.60 principal at an interest rate of just 7.0% amortized over 25 years. The new monthly payments would be $398,452.

The existing mortgage balance as of July 28, 1998, according to Mr. Milligan, is $51,498,492.16. However, to terminate the existing mortgage prior to the end of the term will trigger a Yield Maintenance Penalty. The amount of this penalty is being added to the outstanding balance, increasing it to $56,887,909.60 figure. This is slightly greater than the original mortgage principal of $55,000,000.

The critical sentence in Mr. Milligan's letter which I repeated back to him on the phone, is, "There will not be any funds advanced by Standard Life to Fourth Real pursuant to the replacement mortgage.". So while Fourth Real will be incurring an increased mortgage balance relative to the original principal, it is due to the penalty for early termination of the existing mortgage term. Under the proposed arrangement, however, the monthly principal and interest payments will be reduced by $96,239 to the amount noted in the letter of $398,452.

It is because of this reduced monthly payment equal to –24%, that Fourth Real wishes to change the mortgage financing arrangement. The reason for doing this is to put itself in a more competitive position when it comes time to re-negotiate existing commercial leases. Most of the retail and office leases in Phase 4 are coming due within the next few years and due to lower current market lease rates, the future revenue generated after these leases are re-negotiated will be significantly lower than at present. In order to attract new tenants and retain existing tenants. Fourth Real will have to offer competitive lease rates, considerably lower than at present and will only be able to afford to do this by reducing the current monthly debt service payments.

Fourth Real as the lessee of the land from the City is only paying $5,356.51 per month, which is relatively insignificant in relation to the above-noted mortgage payments of $398,452 per month (proposed). In this instance there would be no change in the mortgagee, Royal Trust Corp./Standard Life, and the mortgagee is not advancing further funds. The principal of the new mortgage would be 3.4% greater than the original $55 million principal, but the monthly debt service is almost $100,000 lower, or $1,155,000 annually. Therefore, in my opinion there is nothing that should be of concern relating to the proposed restructuring of the mortgage to the City of Hamilton as Land Lessor. The proposed arrangement would not materially affect the ability of Fourth Real to meet its obligations under the ground lease.

KA

c.c. J. Schatz, City Clerk

9.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1998 November 4
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1998 October 21.

B. BUILDING COMMISSIONER

276 Wellington Street North - demolition

C. DIRECTOR OF PLANNING AND DEVELOPMENT

Proposed Draft Plan of Condominium CDM-CONV-98-011, by Herminio Silva – 29 Sherman Avenue South, Stipeley Neighbourhood.

D. CITY CLERK

Release of Building Covenants – 105 Cascade Street, Hamilton
(Covenants as contained in Instrument Numbers AB321337
and AB321337Z (PIN 17309-0027 (LT))

E. LOCAL ARCHITECTURAL ADVISORY COMMITTEE

(i) Heritage Permit Application – 109-111 Charles Street

(ii) Heritage Permit Application – 182 St. Clair Boulevard

F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Item

Wednesday, 1998 October 21
Room 233, City Hall
9:30 o'clock a.m.

A.

The Planning and Development Committee met.

There were present: Alderman F. D'Amico, Chairperson
Alderman G. Copps, Vice-Chairperson
Alderman M. Caplan
Alderman R. Corsini
Alderman F. Eisenberger
Alderman B. Charters
Alderman B. Kelly
Alderman D. Haining

Regrets: Mayor R. Morrow, Civic Business

Also present: Alderman B. Morelli
Alderman C. Collins
Alderman M. Kiss
Victor Abraham, Director of Planning and Development
Paul Mallard, Planning and Development Department
Caroline Floroff, Planning and Development Department
Bill Janssen, Planning and Development Department
Mary Lou Tanner, Planning and Develoment Department
John Sakala, Planning and Development Department
Art Zuidema, Law Department
Eugene Chajka, Regional Environment Department
Mark Mascarenhas, Manager, Housing and Loans Division
Bob Chrystian, Public Works and Traffic Department
Ed Switenky, Public Works and Traffic Department
Hazel Milsome, Public Works and Traffic Department
Len King, Building Commissioner
Peter Lampman, Building Department
Tina Agnello, Secretary

PUBLIC MEETINGS – 9:30 O'CLOCK A.M.

Prior to each Public Meeting, Alderman D'Amico advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at a Public Hearing.

1. **Zoning Application 98-33 by 1242324 Ontario Inc., Dominic Occhionorelli, Owner, for a Modification to the "H" District (Block "1") and "G-1" District (Block ("2") for Property Located at 330 and 342 Dundurn Street South.**

   A submission was received from the Kirkendall Neighbourhood Association.

   Paul Mallard advised that the application is for a former Mr. Grocer site. It is a proposal for a 15 unit lodging house. The request is to increase the lodging house from 50 to 90 units for seniors. It is in close proximity to public transit and other public services.

   Mr. Mallard explained that the Kirkendall Neighbourhood Association has some concerns. A residential care facility is only permitted for 20 units and therefore an application would have to come back to the Committee if that was proposed.

Of 402 notices circulated, 34 replied in favour and 5 opposed.

Claudio Nocce, 19 Tamwood Court, Stoney Creek, one of the partners in the project was present.

Dominic Occhionorelli, 336 Shaver Road, Ancaster, and Joe Merla, 13 Russet Court, Stoney Creek, were also present.

Frank Carissi 155 Hyde Park, was present. In response to a question from Mr. Caressi, Paul Mallard stated that the lodging home provides a room and meals. It is basically room and board with private bath facilities.

Mr. Mallard advised that the proposal is only for seniors 60 years and over.

Elaine Sheppard, 432 Charlton Avenue West, was present. She was concerned that in the future it might become a facility for ex-psychiatric patients.

Mr. Mallard stated that the use cannot be restricted but there is a minimum age requirement.

Dave Nicholson, 5 Mount Royal Avenue, was present. In response to a question from Mr. Nicholson, Mr. Occhionorelli stated that the proposal is very similar to the Cathedral proposal. He also explained that the block in the rear of the property is for a parking lot.

Dale Brown, 39 Flatt Avenue, President of the Kirkendall Neighbourhood Association, was present. She stated that it is a pleasure to see the site redeveloped. The Association is assuming it will not generate a lot of traffic. She was concerned however that in the future it may be turned into student residence. In conclusion, Ms. Brown stated that the executive of the Kirkendall Neighbourhood Association is not opposed to this project.

Paul Mallard advised that if it was a 50 unit complex it could be turned into a student residence but not for 90 units.

In response to a question, Mr. Mallard also advised that both blocks are under site plan control.

Alderman Caplan stated that this is a solution to the concerns which are presently existing on the site.

Alderman Kelly is supportive but questioned the tax arrears, to which Paul Mallard replied that that has to be cleared up prior to the site plan proceeding.

Alderman Copps questioned the use of the retirement facilities and what type of facilities would be included. In response, Mr. Occhionorelli stated that a common dining room, library and recreational area would be included.

Alderman Eisenberger felt that this is a great location for a retirement community.

Alderman Haining concurred and stated that it is a good area and will provide a good quality of life for the residents.

Alderman Caplan was concerned and stated that the student issue should be explored. He stated that the representatives of the Kirkendall Neighbourhood Association should be included in the site plan control process.

Alderman Kiss concurred and questioned what type of management would be on site to which Mr. Occhionorelli replied that there would be a professional director.

As recommended in a report dated 1998 October 13 from the Director of Planning and Development:

(a) That approval be given to Zoning Application 98–33, 1242324 Ontario Inc., Dominic Occhionorelli, owner, for a modification to the established "H" (Community Shopping and Commercial, etc.) District (Block "1") and "G – 1" (Designed Shopping Centre) District (Block "2") to permit a lodging house to accommodate ninety (90) senior citizens within the existing building, for property located at 330 and 342 Dundurn Street South, as shown on the attached map marked as Appendix "A", on the following basis:

(i) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law 6593, applicable to Block "1" be modified to include the following variances as special provisions:

(1) That notwithstanding Section 14(1) (i), the following uses shall be permitted:

(a) a senior citizens "lodging house" for the accommodation of a maximum of ninety (90) persons within three floors of the building; and,

(b) a lodging room having bathroom facilities; and,

(ii) That the "G-1" (Design Shopping Centre) District regulations as contained in Section 13A of Zoning By-law 6593, applicable to Block "2" be modified to include the following variance as a special provision:

(1) That notwithstanding Section 13A(1), only parking accessory to the lodging house on Block "1" shall be permitted; and,

(iii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1415, and that the subject lands on Zoning District Map W-24 be notated S-1415; and,

(iv) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map W-24, for presentation to City Council; and,

(v) That this proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

(v) That Blocks "1" and "2" be redesignated on the Approved Kirkendall North Neighbourhood Plan from "Commercial" to "Medium Density Apartments" upon finalization of the implementing By-law; and,

(vi) That for the purpose of this By-law, a senior citizens lodging house means a lodging house within which all residents are at least 60 years of age or older.

2. **Zoning Application 98-38, by Aurelio Marrone and Laurie Marrone, Owners, for a Change in Zoning from "AA" District to "C" District for Lands Located East of Upper Sherman Avenue, West of Eaglewood Drive, North of Dalia Avenue, at the Rear of 1465 Upper Sherman Avenue.**

Paul Mallard advised that the application is straightforward. It is for a change from Agricultural to Residential. In 1986 approval for 26 single-family lots was approved. There were residual lands that are now being rezoned.

Of 392 notices sent, 13 replied in favour and one opposed.

Josie Trivieri of A.J. Clarke & Associates and Mr. Marrone were present.

As recommended in a report dated 1998 October 14 from the Director of Planning and Development, the Committee recommended to Council as follows:

(a) That approval be given to Zoning Application ZAC-98-38, Aurello Marrone and Laurie Marrone, owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the use of the subject lands for single family residential uses, for lands located east of Upper Sherman Avenue, west of Eaglewood Drive, north of Dalia Avenue and located at the rear of 1465 Upper Sherman Avenue, as shown on the attached map marked as Appendix "B", on the following basis:

(i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,

(ii) That the Director of Planning and Development be authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-38C and E-38D for presentation to City Council; and,

(iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning.

3. **Zoning Application 98-36, by Silvestri Investments Limited, Owner, for a Change in Zoning from "AA" District to "C" District for Lands Located north of Stone Church Road East and West of the Future Extension of Dristin Drive in the "Falconstone" Draft Approved Plan of Subdivision.**

Josie Trivieri of A.J. Clarke & Associates was present on behalf of the applicant.

Paul Mallard advised that at the time a previous By-law was passed, an approximate 10 metre strip was not zoned. This application is to zone those lands.

Of 120 notices sent, eight replied in favour and one opposed.

As recommended in a report dated 1998 October 7 from the Director of Planning and Development, the Committee recommended to Council as follows:

That approval be given to Zoning Application ZAC-98-36, Silvestri Investments, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the use of the subject lands for single family residential uses, in accordance with the "Falconstone" draft approved plan of subdivision, for lands located north of Stone Church Road East, west of the future extension of Distin Drive, as shown on the attached map marked as Appendix "C", on the following basis:

(i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,

(ii) That the Director of Planning and Development be authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18C for presentation to City Council; and,

(iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning area.

4. REFERRAL FROM CITY COUNCIL

Co-sharing of Appeal, Southam Park Neighbourhood.

Paul Mallard advised that in 1997 an application to the Committee of Adjustment was approved and subsequently appealed to the Ontario Municipal Board by area residents. At that time staff was subpoenaed and gave a hostile testimony. The appeal was upheld and the applicants have now received a bill and request that the City cover the costs.

Alderman Copps moved to approve the request. There was no seconder.

Alderman Charters was concerned over the precedent that it would set and that the decision on the application was with regard to a matter of time and that it was premature. It is unfair to saddle all the taxpayers with this application. It would be onerous and would alter the planning process. He therefore recommended that the Committee receive and take no action.

Alderman Eisenberger concurred.

Alderman Kelly appreciates the efforts of the residents but cannot consider this when the City is under financial restraint.

In response to a question from Alderman Kelly, Paul Mallard advised that there was no cost allotted to the neighbourhood residents with regard to staff time for appearing at the hearing.

Alderman Kiss felt that the residents should have the same rights as people who have a great deal of money.

Alderman Caplan stated that there should be an adjudication process prior to going to the Ontario Municipal Board. He stated that the residents did not come to the City for help prior to the hearing since they new they would be incurring costs.

Alderman Copps stated that the OMB has an adjudication process and that the residents in this case were supporting the City's Official Plan.

Following brief discussion the Committee resolved that the correspondence be received and no action be taken.

5. DELEGATION

George Dark, Urban Strategies, Kevin Donahue, Price Waterhouse Coopers, design study of the Downtown Secondary Plan.

Mary Lou Tanner stated that in addition Mark Reid and Ron Blake were also present. They gave a synopsis of their presentation.

George Dark stated that Ms. Tanner will be a member of their team. He distributed a presentation to the Committee. He stated that the process would involve mapping at the first stage and an SWOT analysis of strengths, weaknesses, opportunities and threats at the second stage. This would be a four-month project.

Kevin Donahue stated that he is the finance person that looks at the project from a development and investor perspective. He said that he would focus on the types of development that would be successful in the downtown.

Mr. Dark stated that there was a time that the downtown was a place to be in historically, then office buildings took over and people who lived downtown were displaced. The critical mass was moved as a result. He wants to look at the restoration value and embrace living in the downtown core. At present there is too much under-utilized

valuable historical stock and he said that the main focus of the project would be focusing on getting people in the downtown core.

Alderman Charters stated that many studies have been done in the past on the downtown core. We must look at costs to renovate historical buildings and if it can't be done we must look at another plan of action. The contamination issue is very important and the funding mechanism for this issue. He stated that he is happy that we will be thinking outside the box and gave the "Tribute Homes" as an example. He stated that at the end of this project he would like something productive come from everything.

Mr. Dark stated that the Tribute Homes project was their own. He stated that the outlook of the project team is highly realistic. He conceded that some historic buildings will come down but some will be maintained.

Alderman Charters suggested that with regard to the contamination, we need support from the Federal and Provincial counterparts.

Alderman Eisenberger suggested that we look at the impact of the downtown with regard to what developments are occurring elsewhere in the City.

Mr. Dark stated that there will be a comparative analysis of buying a home downtown versus elsewhere and they would be looking at developments outside the City core.

Alderman Corsini suggested that projects such as the Sharet, the Longo Report, the Downtown Parternship, Strong Medicine, Smart Moves and other documents be considered and that there be consolidation of these and agencies in the downtown core.

Mary Lou Tanner concurred and stated that these documents will be used as resources and they will take a broad approach to representation. There will be 25 people on the Committee.

Alderman Caplan stated that density in the downtown core is high and that there should be something done to reduce this and make it less intensive. He suggested that the future of the City is to the west and not to the east and also suggested that we not be Toronto-centred in our solutions.

Alderman Kelly stated that it is pertinent that partnerships be developed since we are receiving little help from the Provincial or Federal governments.

With regard to financing, Alderman Corsini stated that banks are hesitant to give mortgages in the downtown core.

Kevin Donahue suggested that there are other sources of financing.

The Chairman thanked the group for attending.

6. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

Ferguson Avenue Between King Street East and King William Street – Awarding of Contract.

Hazel Milsome gave a brief presentation which was illustrated on boards for the Committee. She stated that the components for the stage will have a railway theme and there will be a seating area. The stage can be covered by a canopy for special events and the fencing on the south side is removable. The fabrication will occur during winter months and will be installed in the Spring of 1999. The only remaining component after this is completed will be the fountain.

Alderman Caplan suggested that the seats be partitioned in the seating so that people won't be sleeping on them.

In response to a question, Ms. Milsome stated that the project is over-budget approximately $200,000 for this component and the fountain. This over-budgeting will be included in the Capital Budget deliberations in 1999.

As recommended in a report dated 1998 October 7 from the Commissioner of Public Works and Traffic, the Committee recommended to Council as follows:

That a purchase order be issued to Modern Ornamental Iron Works (Hamilton) Limited, in the amount of $85,600 including all taxes, for the fabrication and installation of steel components for Ferguson Avenue between King Street East and King William Street, being the only tender received in accordance with Purchasing procedures, and that this expenditure be financed from the Downtown Phase of the Ferguson Avenue Master Plan Account Number CF 5698 409755037.

AT THIS POINT IN THE MEETING THE CHAIRPERSON INTRODUCED MARLENE COFFEY AS THE NEWLY APPOINTED HEAD OF THE DOWNTOWN PARTNERSHIP.

7. CONSENT AGENDA

A. ADOPTION OF MINUTES

(i) The minutes of the Special meeting held 1998 September 29 were adopted as distributed.

(ii) The minutes of the meeting held 1998 October 7 were adopted as distributed.

B. LAW DEPARTMENT

Fourth Real Properties Limited, Lessee, Lloyd D. Jackson Square Application by Lessee for Approval to Leasehold Mortgage, dated 1998 October 2:

Alderman Charters requested more information with regard to the mortgage terms and the reason for the increase in the mortgage.

Following brief discussion, the Committee resolved that the matter be tabled to the next regular Planning and Development Committee meeting in order to allow staff to determine the reason for the increase in the mortgage.

THE FOLLOWING RECOMMENDATIONS WERE FORWARDED TO COUNCIL FOR APPROVAL:

C. BUILDING COMMISSIONER

(i) Demolition of 52 Fraser Avenue, dated 1998 October 8:

That the Building Commissioner be authorized to issue a demolition permit for 52 Fraser Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(ii) **Demolition of 56 Peter Street, dated 1998 October 8:**

That the Building Commissioner be authorized to issue a demolition permit for 56 Peter Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(iii) **Demolition of 56 Peter Street, dated 1998 October 8:**

That the Building Commissioner be authorized to issue a demolition permit for 56 Peter Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(iv) **Demolition of 62 Peter Street, dated 1998 October 8:**

That the Building Commissioner be authorized to issue a demolition permit for 62 Peter Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(v) **Demolition of 66 Peter Street, dated 1998 October 8:**

That the Building Commissioner be authorized to issue a demolition permit for 66 Peter Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(vi) **Demolition of 68 Peter Street, dated 1998 October 8:**

That the Building Commissioner be authorized to issue a demolition permit for 68 Peter Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

D. DIRECTOR OF PLANNING AND DEVELOPMENT

"Central Estates", Hamilton (Cash Payment in Lieu of 5% Parkland Dedication), dated 1998 October 1:

That the City of Hamilton accept the sum of $13,200 as a cash payment in lieu of the 5% land dedication in connection with "Central Estates", Hamilton being the cash payment required under 51.1 of the Planning Act.

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

The Committee approved the list of previously received information items as follows:

Director of Planning and Development re: Approved Site Plan Control Applications, dated 1998 October 9.

8. ADDED PRIVATE AND CONFIDENTIAL AGENDA

The Committee adjourned into closed session to discuss a potential litigation matter and reconvened immediately thereafter with no report.

9. OTHER BUSINESS

None

10. ADJOURNMENT

There being no further business, the meeting then adjourned.

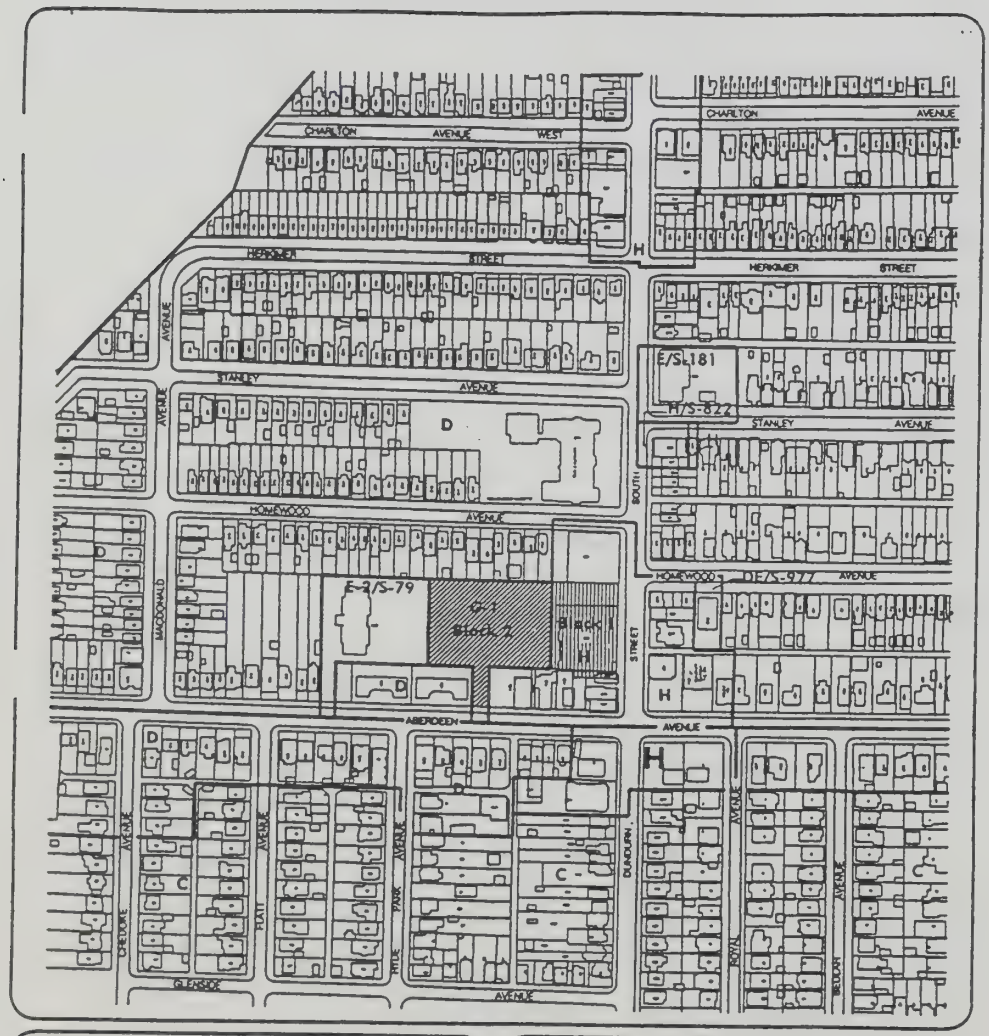
Taken as read and approved.

Alderman F. D'Amico
Chairperson
Planning and Development Committee

T. Agnello
Secretary

/jt

Appendix "A" as referred to in
Section 1(a) of the Planning and
Development Committee Minutes
dated 1998 October 21



Sites of the Application

Block 1

Block 2

Modification to the "H" (Community Shopping and Commercial, etc.) District and "G-1" (Designed Shopping Centre) District

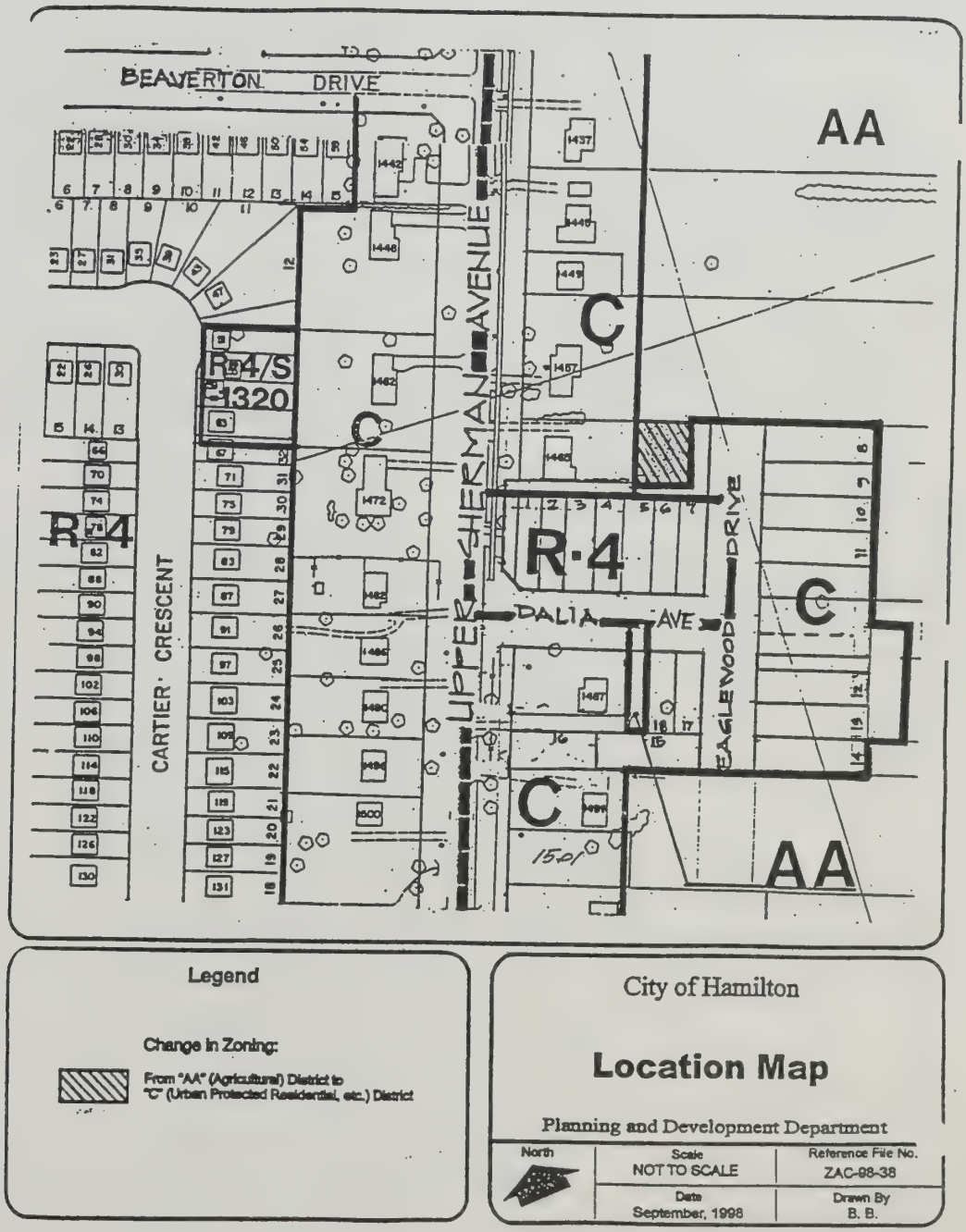
City of Hamilton

Location Map

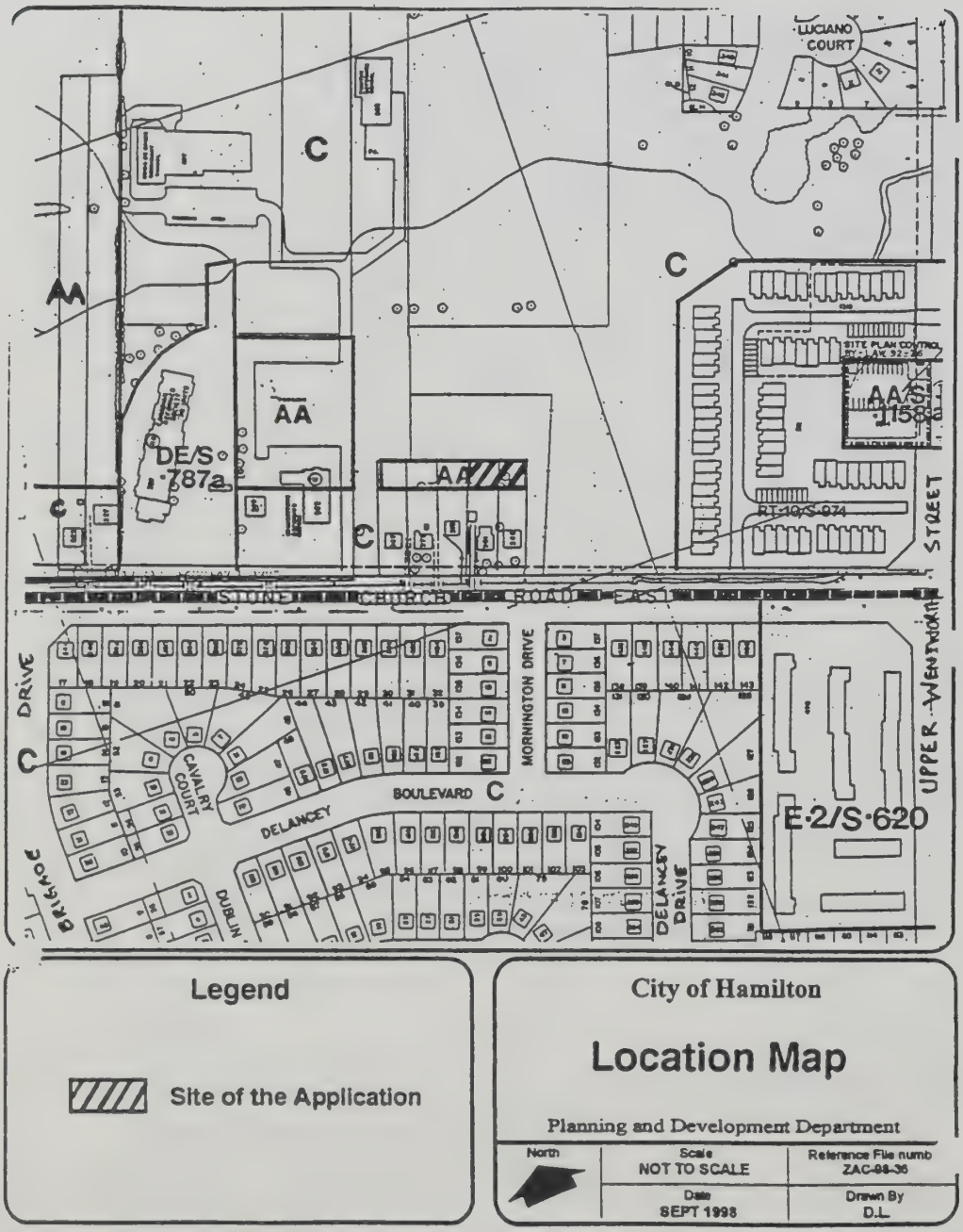
Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	ZAR-98-33
	Date	Drawn By
	August, 1998	J.Sims

Appendix "B" as referred to in
Section 2(a) of the Planning and
Development Committee Minutes
dated 1998 October 21



Appendix "C" as referred to in
Section 3 of the Planning and
Development Committee Minutes
dated 1998 October 21



B.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 October 23

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
276 WELLINGTON STREET NORTH - Tag Number 97007663
(98.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to deny a demolition permit until a building permit has been issued to replace the subject building at 276 Wellington Street North.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: H (Map E-12)

PRESENT USE: Vacant 8-unit multiple dwelling

PROPOSED USE: Vacant

BRIEF DESCRIPTION: The owner has applied to demolish the existing vacant eight (8) unit multiple dwelling. The Planning and Development Department has determined that the eight-unit apartment building does not fall under the proposed Official Plan Amendment No. 151, since all of the units have been vacant for approximately six to seven years.

The subject building is located in the Central Area and on July 26, 1994, City Council passed a resolution that appropriate conditions for Demolition Control under Section 33 of The Planning Act be applied to all buildings with a residential component in the Central Area. The owner of the building has not applied for a building permit to replace the building that is to be demolished.

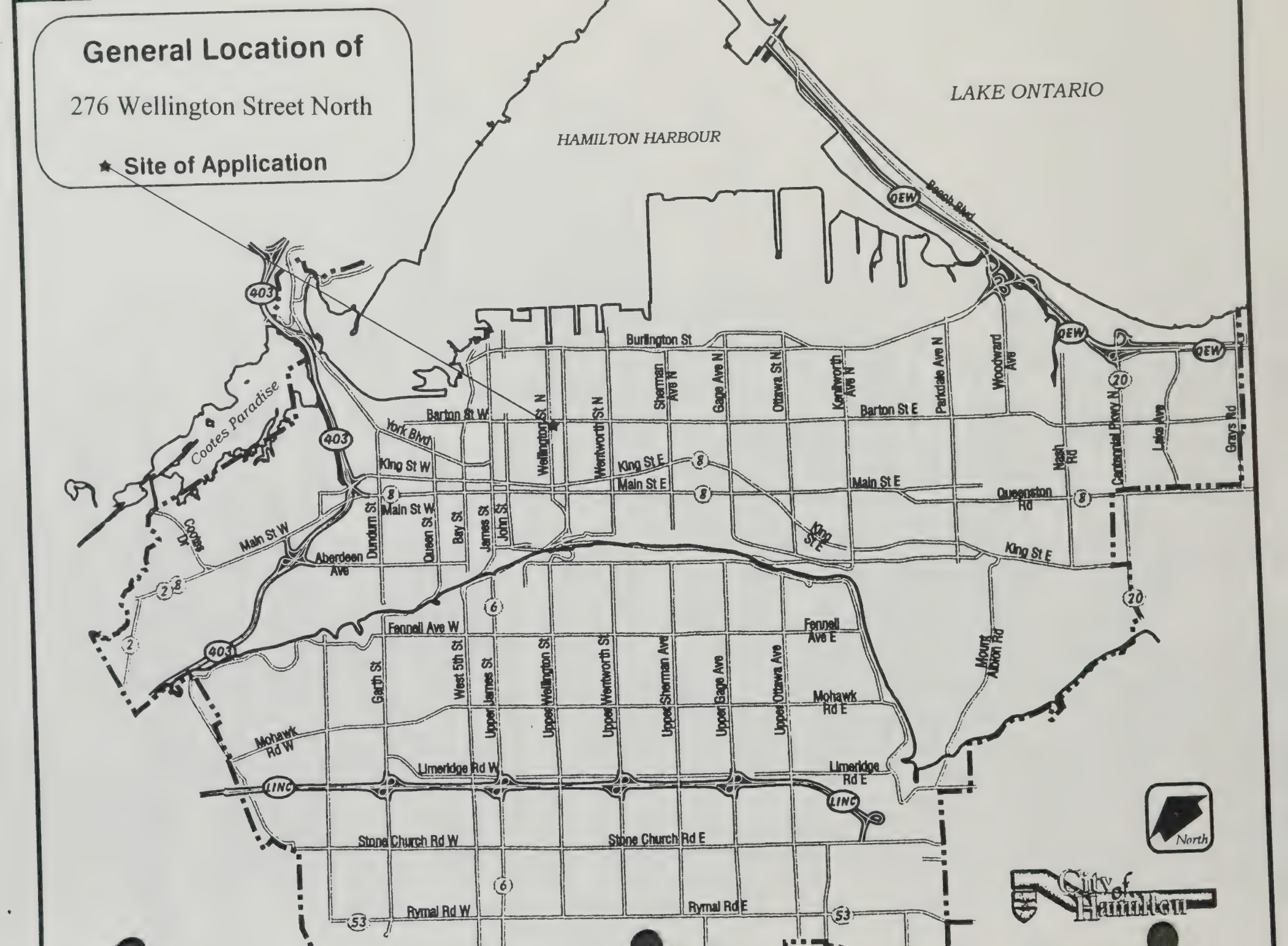
This property is located in the "Landsdale" Neighbourhood (please see attached neighbourhood map and City overview) and is located in Ward 3. This property is of interest to LACAC. Lot size 45'x 84.660'.

Should Council refuse to issue a demolition permit, The Planning Act allows the owner to appeal Council's decision to the Ontario Municipal Board.

The owner of the property and applicant as per the demolition permit is:

Gary Waxman
500 Centennial Parkway North
Hamilton, Ontario L8E 2X5

FP/zr


General Location of
276 Wellington Street North
★ Site of Application
LAKE ONTARIO
HAMILTON HARBOUR
QEW
Beach Blvd
403
Burlington St
Barton St W
Barton St E
York Blvd
King St W
King St E
Main St W
Main St E
Cootes Paradise
Cootes Dr
Aberdeen Ave
Dundurm St
Queen St N
Bay St
James St
John St
Wellington St N
Wentworth St N
Sherman Ave N
Gage Ave N
Ottawa St N
Kenilworth Ave N
Parkdale Ave N
Woodward Ave
Nash Rd
Centennial Pkwy N
Lake Ave
Gray Rd
Queenston Rd
Fennell Ave W
Fennell Ave E
Garth St
West 5th St
Upper James St
Upper Wellington St
Upper Wentworth St
Upper Sherman Ave
Upper Gage Ave
Upper Ottawa Ave
Mount Albion Rd
Mohawk Rd W
Mohawk Rd E
Limeridge Rd W
Limeridge Rd E
LINC
Stone Church Rd W
Stone Church Rd E
Rymal Rd W
Rymal Rd E
North
City of Hamilton

SUBJECT PROPERTY
276 WELLINGTON ST NORTH

C

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 October 22
(CDM-CONV-98-011)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Victor J. Abraham
Director of Planning and Development

SUBJECT: Proposed Draft Plan of Condominium by Herminio Silva – 29 Sherman Avenue South, Stipeley Neighbourhood

RECOMMENDATIONS:

(a) That approval be given to application CDM-CONV-98-011, Herminio Silva, applicant, to establish a draft plan of condominium, located at No. 29 Sherman Avenue South, as shown on the attached maps marked as APPENDICES "A" and "B", to provide for a condominium comprised of a total of 23 residential apartment units within the existing four storey building, subject to the following conditions:

(i) That this approval applies to the attached (APPENDIX "C") draft plan as redline revised and dated July 5, 1998 prepared by Consoli & Jacobs Surveying Ltd. and certified by Bryan Jacobs, O.L.S.; showing a total of 23 residential apartment units within an existing four storey building.

(ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City, concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor.

(iii) That prior to approval of the final plan:

1. Property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law 6593 and the Official Plan.

2. The applicant/owner shall provide proof to the satisfaction of the City of Hamilton Building Commissioner, that the existing building and lands, including gross floor area, landscaped area, parking area, loading spaces and access driveways, are legally established non-conforming, OR,

Any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593.

(iv) That the owner shall have received the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium (Application CD-97-004).

(v) That the owner shall have satisfied all requirements, financial and otherwise of the Regional Municipality of Hamilton-Wentworth and that the City be advised by the Regional Municipality of Hamilton-Wentworth that this condition has been carried out to its satisfaction. The clearance letter from the Regional Municipality shall include a brief statement for each condition detailing how it has been satisfied and carried out; and,

(vi) That the Director of Planning and Development shall have been satisfied that the conditions of approval are fulfilled or provided for as required.

(b) That the Mayor and the City Clerk be authorized to grant approval by signing the draft plan.

(c) That the Mayor and City Clerk be authorized to sign the final plan of the condominium once the requirements are completed.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Approval of this application is a requirement under the Rental Housing Protection Act, Condominium Act and Planning Act.

BACKGROUND:

Owner	Applicant	Surveyor
Lapa Investments, Ltd. Ancaster, Ontario	Herminio Silva Ancaster, Ontario	Consoli & Jacobs Surveying Ltd. Hamilton, Ontario

Location

The lands known municipally as No. 29 Sherman Avenue South, comprising 837.24m^2 (0.20 acres), are located at the south-east corner of Sherman Avenue South and Vineland Road, in the Stipeley Neighbourhood. See attached APPENDIX "B".

Proposal

The owner proposes to convert an existing four storey apartment building containing 23 multiple dwelling units to condominium status. See attached APPENDIX "C". The applicant is proposing improvements and upgrades to the interior and exterior of the building.

Existing Development Controls

Hamilton-Wentworth Official Plan – The subject lands are identified as "Urban" on Map 1 – the Regional Development Pattern. The proposal complies.

City of Hamilton Official Plan – The subject lands are designated "Residential" on Schedule "A" - Land Use Concept of the Official Plan. The proposal complies.

Neighborhood Plan – The subject lands are designated "Medium Density Apartments" by the Approved Stipely Neighborhood Plan. The proposal complies.

City of Hamilton Zoning By-law – The Subject lands are zoned "E" (Multiple Dwellings, Lodges, Clubs, etc.) District. The existing building was constructed prior to July 25, 1950, and its location is legal non-conforming. The gross floor area, landscaped area, parking area, loading spaces and access driveways are legally established non-conforming, if established since construction. The Building Department requires proof that these aspects of the development have not been altered since construction, to confirm their legal non-conforming status. Otherwise, approval of variances will be required from the Committee of Adjustment.

Site Plan Control – The subject lands are under Site Plan Control. However, since construction of the building predated Site Plan Control, there is no approved Site Plan affecting the lands. Furthermore, changes proposed to the exterior of the site are limited to upgrading, such as: resurfacing of parking areas, repair or replacement of walkways, landscape improvements, etc. Therefore, Site Plan approval would not be required.

Rental Housing Protection Act - On February 24, 1998, Council approved application CD-97-004, under the Rental Housing Protection Act (RHPA), to permit conversion of the 23 units within the existing building at No. 29 Sherman Avenue South from rental units to condominium, subject to a number of conditions. The purpose of the RHPA application is to review the proposal in terms of its impact on the rental housing supply. In order to permit establishment of the condominium, the applicant has now applied for approval of the Draft Plan of Condominium under application CDM-CONV-098-011.

Comments from Circulation

- The *Department of Public Works and Traffic* advises:

  "The existing 23 unit multiple dwelling would require a total of 29 parking spaces under current zoning by-law requirements. Our review of the submitted plan indicates that only 7 parking spaces can be provided that meet the current standards with respect to size and manoeuvering area. In order to provide the 7 parking spaces, the 3 parking spaces adjacent to the south side of the building must be deleted to provide the required manoeuvring area of 6.0 m. Since the site limitations eliminate the possibility of providing additional parking, we would have no objection to a variance to reduce the required parking."

- The *Building Department* advises:

  "1. The recognized use is a twenty-three (23) unit multiple dwelling which was erected prior to July 25, 1950.

  2. The location the four storey brick building and the attached brick concrete block parking garage are legally established non-conforming.

  3. The gross floor area and landscaped area are not indicated, but are legally established non-conforming if existing since construction.

  4. The parking area, loading spaces and access driveways are legally established non-conforming if existing since construction."

To date, the *Regional Environment Department* has not submitted comments.

COMMENTS:

1. As stated above, the applicant received conditional approval of RHPA application CD-97-004 on February 24, 1998, for conversion of the subject building. Once the applicant has met all the conditions of CD-97-004, including finalization of a RHPA approval agreement to the satisfaction of the City solicitor, a RHPA Certificate of Approval will be issued. Therefore, to ensure the applicant has met all conditions of the RHPA approval, approval of the Draft Plan of Condominium CDM-CONV-98-011 should be conditional upon the owner securing the Certificate of Approval under RHPA application CD-97-004.

2. The Building Department requires proof that the gross floor area, landscaped area, parking area, loading spaces and access driveways are legally established non-conforming (i.e. have not been altered since construction), to determine compliance of the proposal with the Zoning By-law. Accordingly, as a condition of approval, the applicant should be required to provide such proof to the Building Department, or receive approval of the appropriate variances from the Committee of Adjustment.

3. The standard conditions of approval, such as finalization of a condominium approval agreement should also be imposed.

4. The Traffic Division has indicated in their comments that only seven of the ten parking spaces shown on the plan are acceptable with regard to size and manoeuvring space. Therefore, the plan should be redlined to delete the 3 parking spaces adjacent to the south side of the building. In addition, the one parking space in the Sherman Avenue driveway blocks the space in the garage and must also be removed from the plan by redline revision.

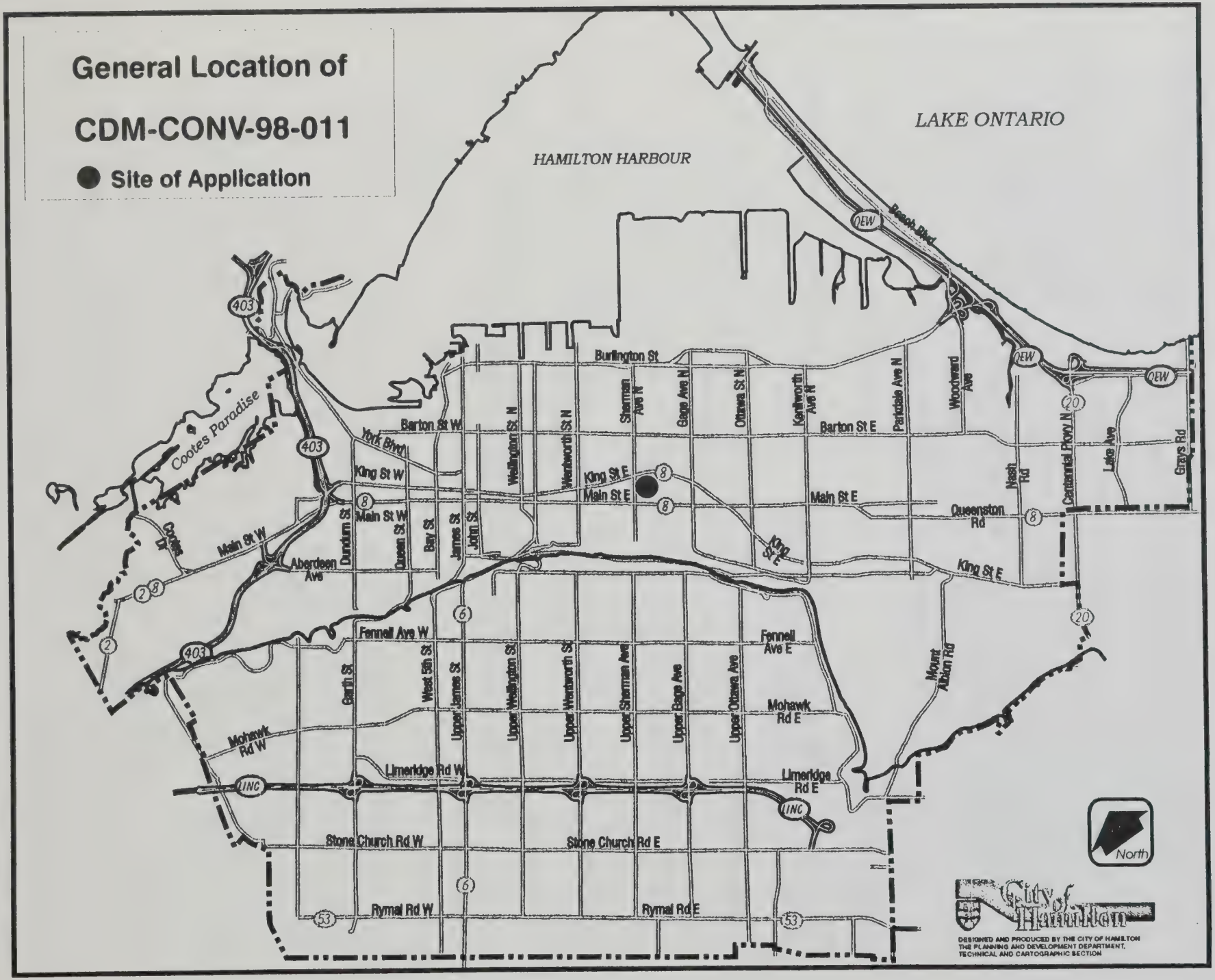
5. A redline revision is required to correct references to the Planning Act.

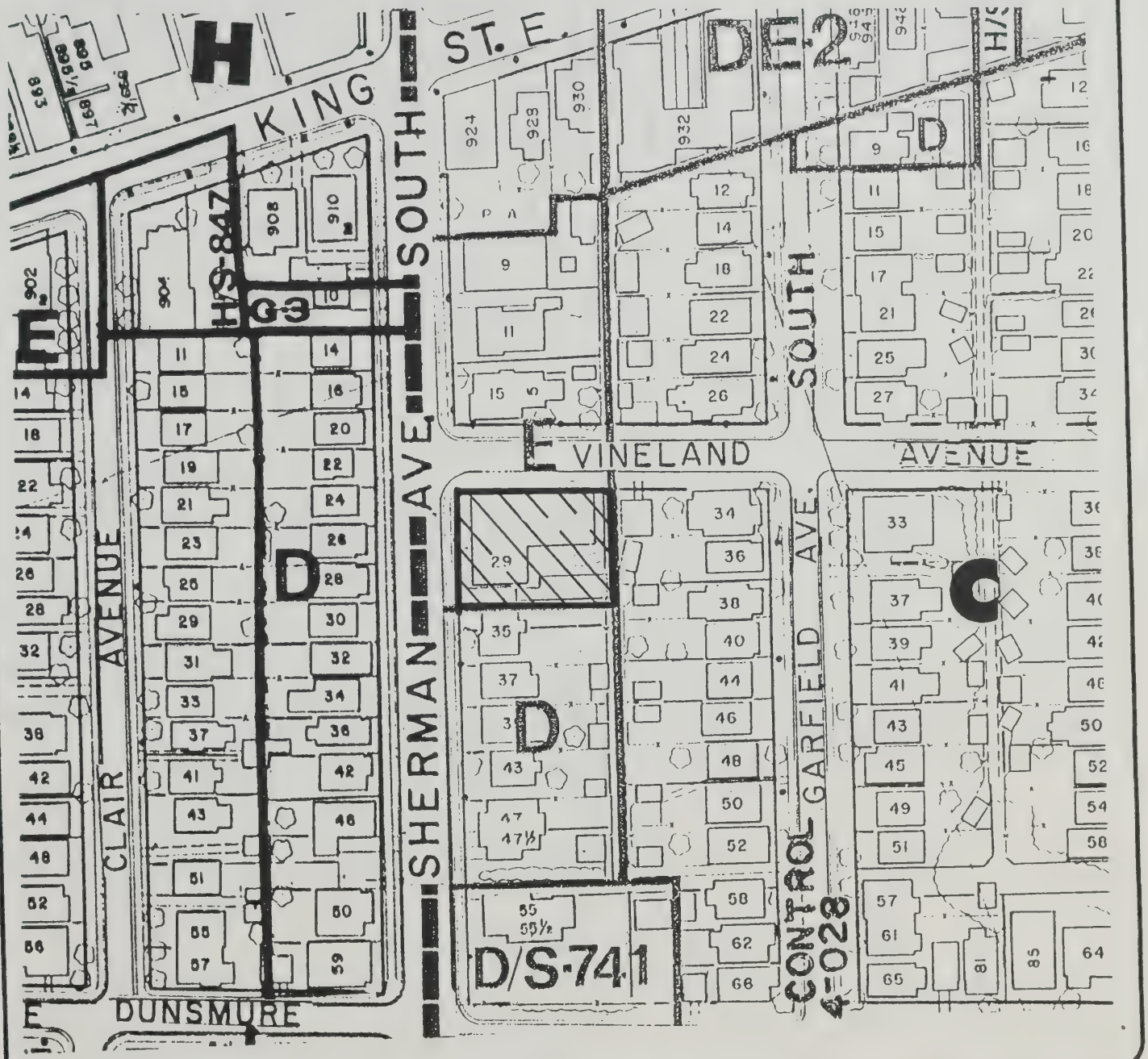
CONCLUSION:

Based on the foregoing, it is recommended that the draft plan of condominium be approved subject to conditions and redlines.

CL-M

APPENDIX A


General Location of
CDM-CONV-98-011
Site of Application
LAKE ONTARIO
HAMILTON HARBOUR
Cootes Paradise
Burlington St
Barton St W
Barton St E
York Blvd
King St W
King St E
Main St W
Main St E
Queenston Rd
Aberdeen Ave
Fennell Ave W
Fennell Ave E
Mohawk Rd W
Mohawk Rd E
Limeridge Rd W
Limeridge Rd E
Stone Church Rd W
Stone Church Rd E
Rymal Rd W
Rymal Rd E
Mount Albion Rd
Centennial Pkwy N
Lake Ave
Gray's Rd
Nash Rd
Woodward Ave
Parkdale Ave N
Kenilworth Ave N
Ottawa St N
Sherman Ave N
Bage Ave N
Wentworth St N
Wellington St N
Dundurn St
Queen St
Bay St
James St
John St
Garth St
West 5th St
Upper James St
Upper Wellington St
Upper Wentworth St
Upper Sherman Ave
Upper Bage Ave
Upper Ottawa Ave
Beach Blvd
QEW
LINC
403
North
City of Hamilton
DESIGNED AND PRODUCED BY THE CITY OF HAMILTON
THE PLANNING AND DEVELOPMENT DEPARTMENT,
TECHNICAL AND CARTOGRAPHIC SECTION



Legend

Site of the Application

City of Hamilton

Location Map

Planning and Development Department

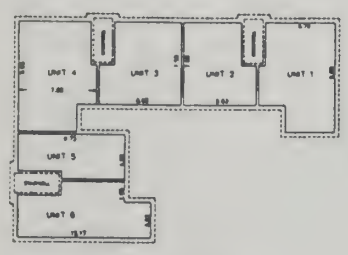
North	Scale	Reference File No.
	NOT TO SCALE	COM-CONV-98-011
	Date	Drawn By
	October, 1998	K.E.

APPENDIX B

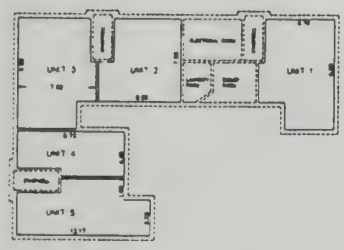
APPENDIX C



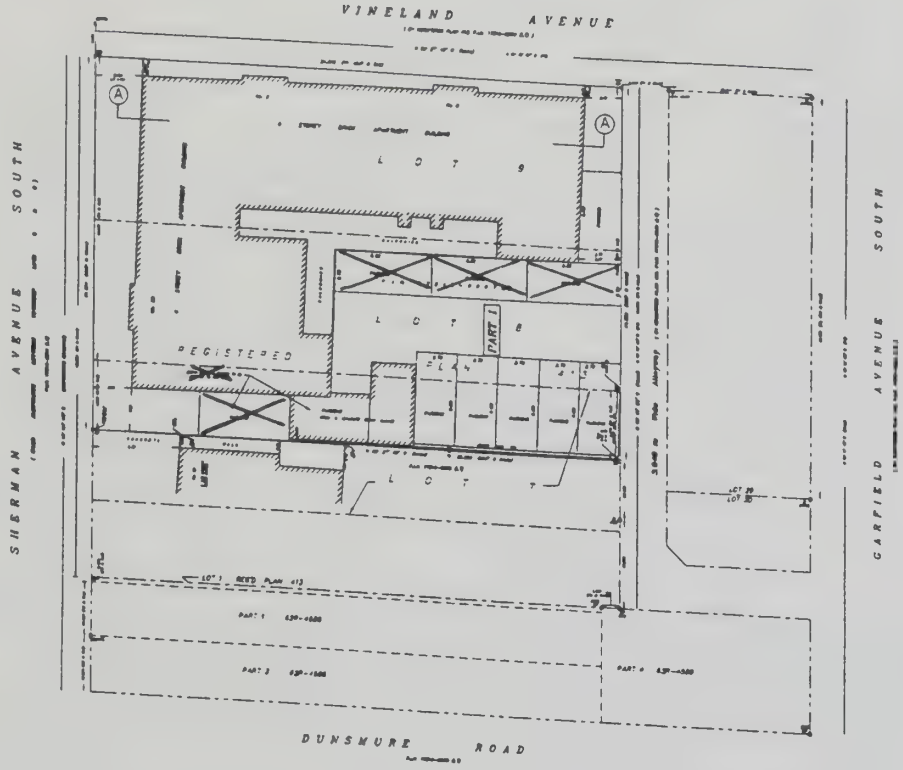
SECTION A – A TO ILLUSTRATE VERTICAL RELATIONSHIP
SCALE 1:200

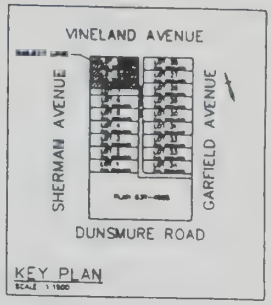


UNIT CONFIGURATION FOR LEVELS 2, 3 & 4
SCALE 1:200



UNIT CONFIGURATION FOR LEVEL 1
SCALE 1:200





KEY PLAN
SCALE 1:1500

DRAFT PLAN OF CONDOMINIUM OF
LOTS 8 & 9 AND PART OF LOT 7
REGISTERED PLAN 413
(BARNESDALE PLACE SURVEY)

IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON – WENTWORTH

SCALE 1:150

CONSOLI & JACOBS SURVEYING LTD
ONTARIO LAND SURVEYORS

METRIC NOTE.

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

NOTE:

THIS IS THE DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT

SCHEDULE Re: SECTION 51(17) PLANNING ACT

SITE STATISTIC:

AREA = 837.2 m²
NUMBER OF UNITS = 22
PARKING SPACES PROVIDED = 17

RESIDENTIAL

OWNER'S CERTIFICATE

I HEREBY AUTHORIZE CONSOLI & JACOBS SURVEYING LTD TO PREPARE AND SUBMIT THIS CONDOMINIUM DRAFT PLAN TO THE CITY OF HAMILTON

JULY 08, 1998
DATE
LARK ENTERPRISES LIMITED

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

JULY 08, 1998
DATE
STEPHEN JACOBS
ONTARIO LAND SURVEYOR

CONSOLI & JACOBS
SURVEYING LTD

D.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 October 19

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: J. J. Schatz
City Clerk

SUBJECT: **Release of Building Covenants - 105 Cascade Street, Hamilton (Covenants as contained in Instrument Numbers AB321337 and AB321337Z (PIN 17309-0027 (LT))**

RECOMMENDATION:

(a) That the City of Hamilton provide a release for the current owner of the property known as 105 Cascade Street from the construction covenants to the City as contained in Instrument Numbers AB321337 and AB321337Z registered on 1973 December 28; and,

(b) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

In adopting Item 21 of the 34th Report of the Board of Control, City Council on 1973 October 30 approved the sale of part of Lot 25, Concession 1, Township of Saltfleet, now in the City of Hamilton to Hamilton Boiler Works Limited (Walter W. Marten and Ellen A. Rembe). This transaction was completed and registered under Instrument Numbers AB321337 and AB321337Z on 1973 December 28.

As the building was constructed as required, the lawyers for the registered current owner (James Beale) of 105 Cascade Street have requested that the City of Hamilton release and free the property of these covenants in order to clear the title so that their client's financing might proceed.

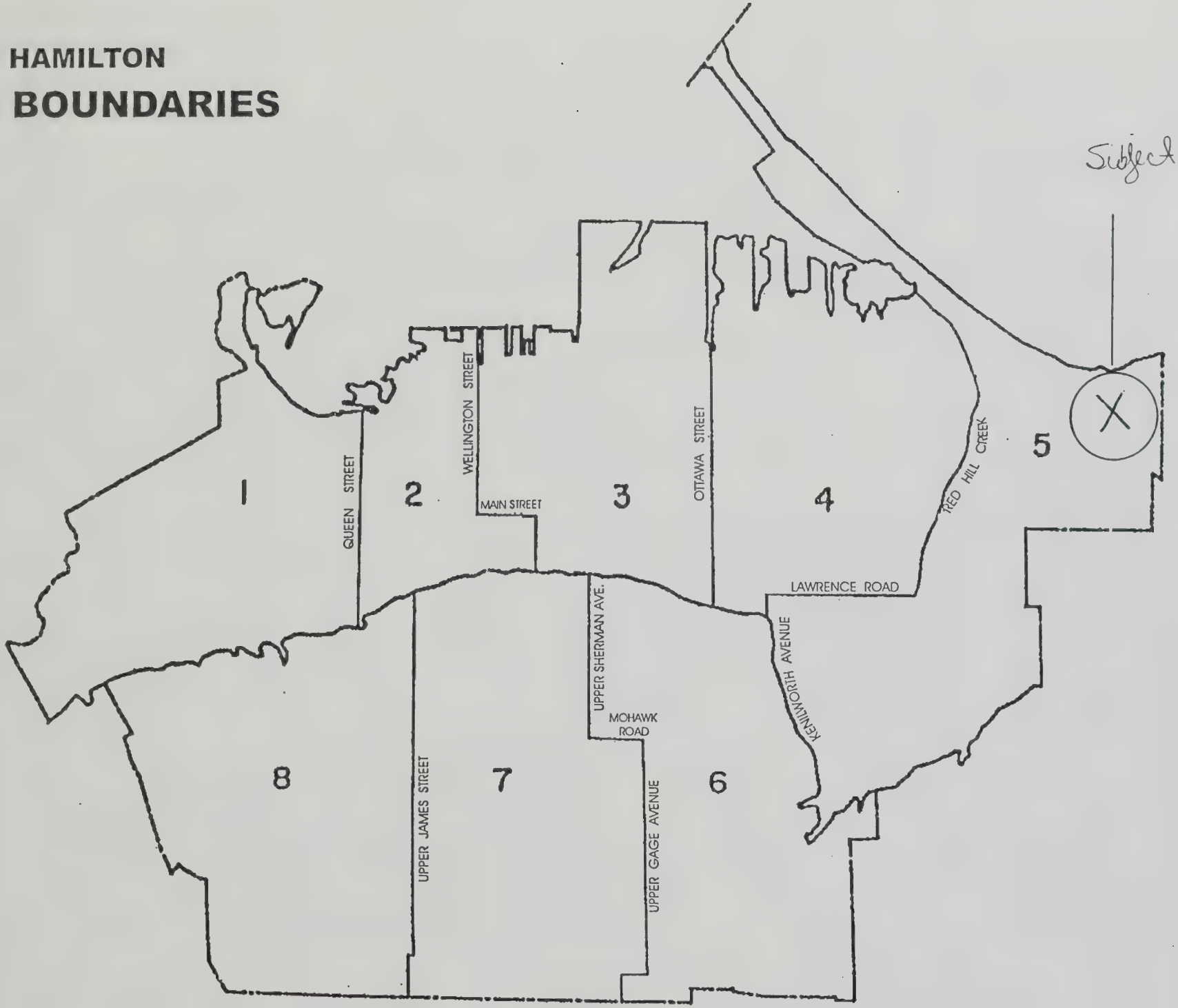
The requirements noted in the covenants have been met and our department supports the request of the owner that the City of Hamilton release these covenants.

DC/nw
c.c. P. Noé Johnson, City Solicitor
Attention: J. Davidson


QUEEN ELIZABETH WAY
NORTH SERVICE ROAD
SOUTH SERVICE ROAD (CURTIS STREET)
SERVICE ROAD (CURTIS STREET)
JJ
KK
WARRINGTON STREET
H.E.P.C.
LANARK STREET
NORTH AVENUE
NATIONAL RAILWAY
CANADIAN NATIONAL RAILWAY
CASCADE STREET
LANARK ST
LAKE AVENUE
COVINGTON STREET
BARTON STREET EAST
Subject Property
105 Cascade St.

CITY OF HAMILTON

WARD BOUNDARIES



CITY OF HAMILTON

(E i)

- RECOMMENDATION -

OCT 2 2 1998

DATE: 1998 October 21

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Heritage Permit Application - 109-111 Charles Street

RECOMMENDATION:

That a Heritage Permit be approved for alterations to the front entrance stairways and landings of the semi-detached stone house at 109-111 Charles Street located in the MacNab-Charles Heritage Conservation District, as shown on the drawing attached hereto and marked as Appendix "A".

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Under the provisions of Part V of the Ontario Heritage Act, any addition/alteration to an existing structure located within a heritage conservation district requires Council approval through the Heritage Permit process.

BACKGROUND:

In 1992, the front entrance stairway and landing of 111 Charles Street was replaced by the previous owner. This proposal was supported as the stairway was not original and the proposed design respected the architectural integrity of the 1850s stone house.

111 Charles Street was subsequently purchased by Rick and Sue Nelson, who have since also acquired the adjacent half of the building (109 Charles Street). The upper floor serves as their residence and the lower floor accommodates their business.

The current proposal involves removing both the concrete landing and stairs of #109 and the wood landing and stairs at #111. These structures will be rebuilt in wood to create a common landing and stairway reached from one stone walkway.

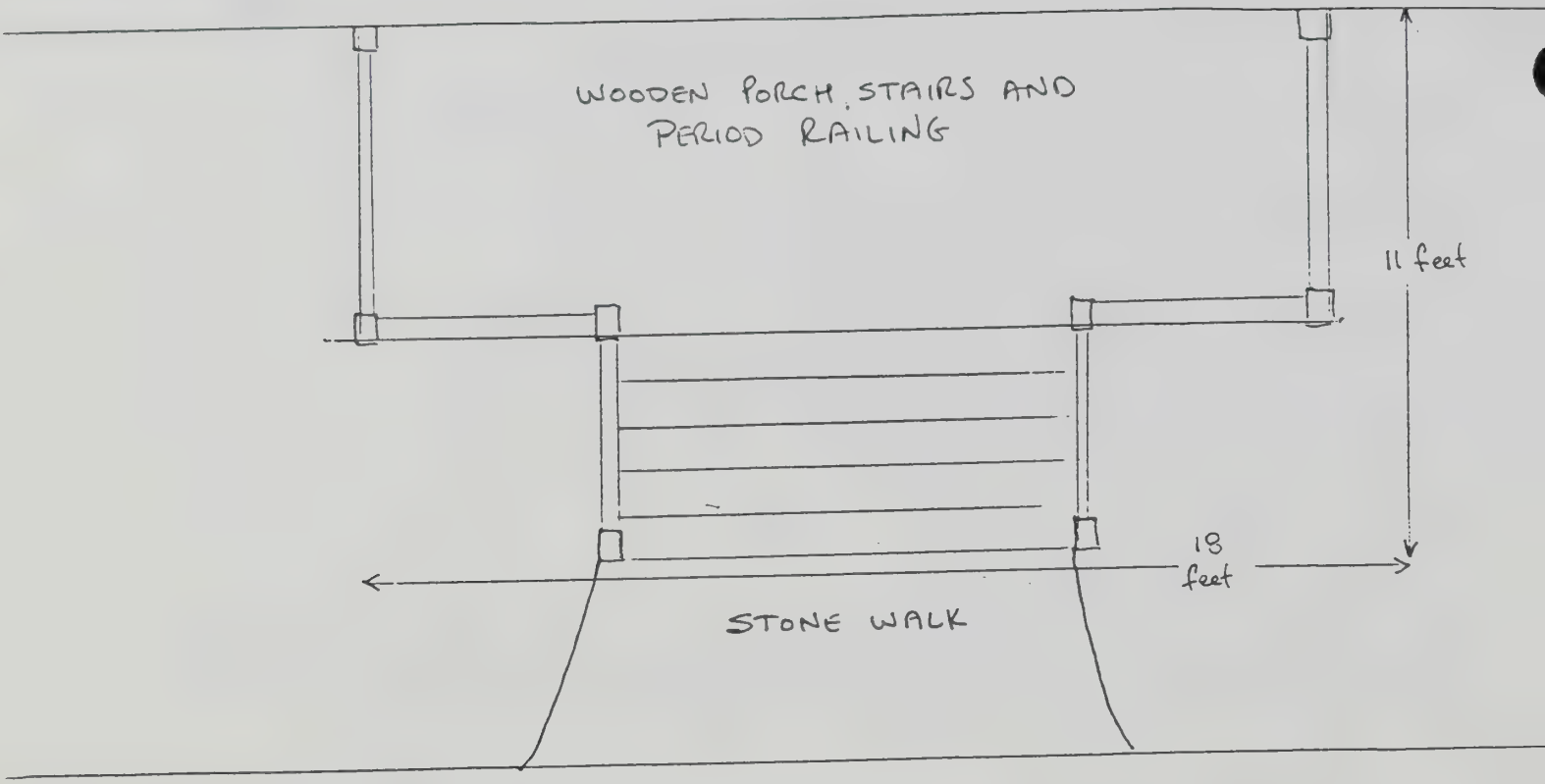
LACAC's Research Sub-Committee reviewed the plan submitted at its last meeting held 1998 September 30 and recommended that a Heritage Permit be approved.

attached

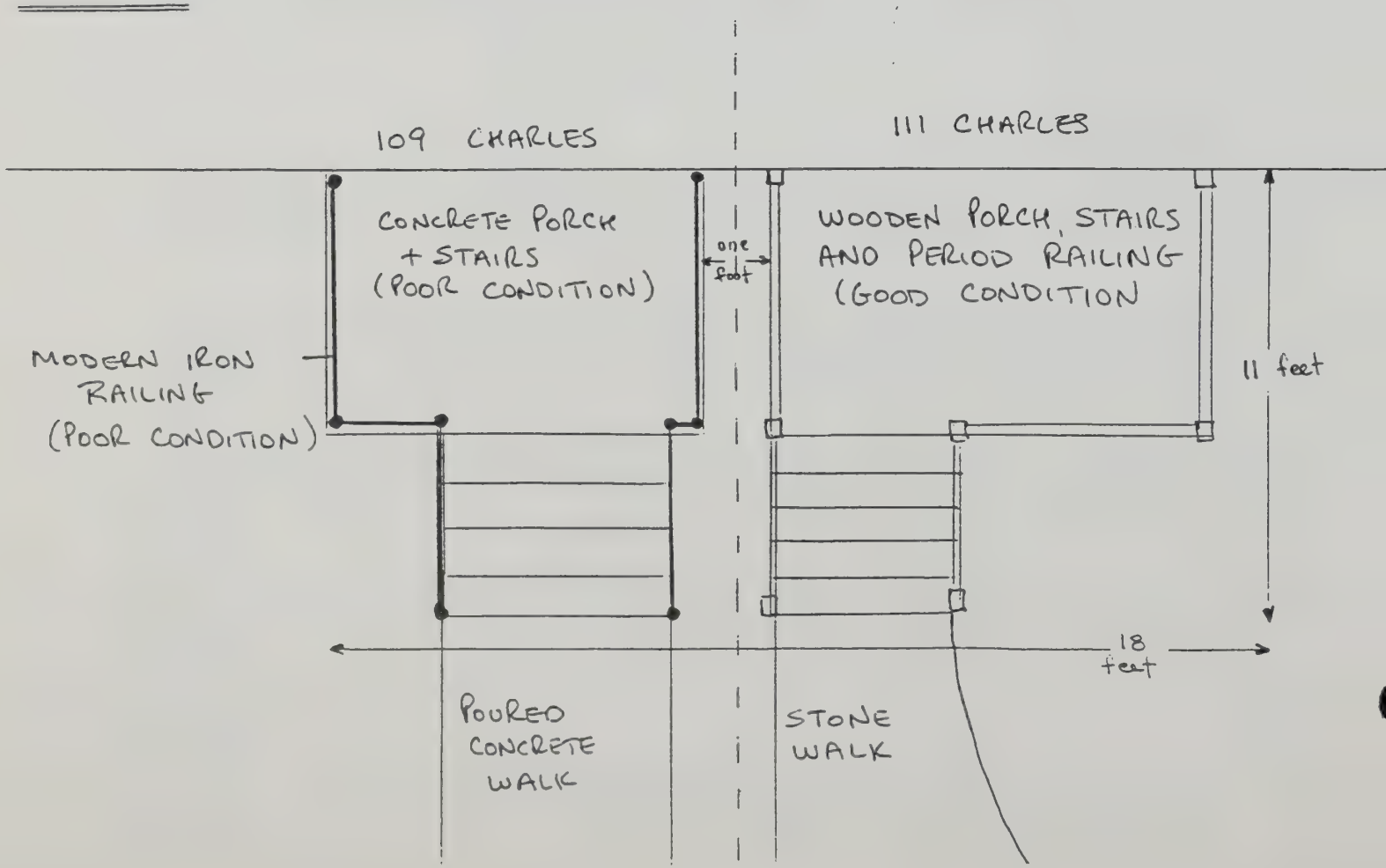
cc Victor Abraham, Director, Planning and Development Department
Nina Chapple, Planning and Development Department

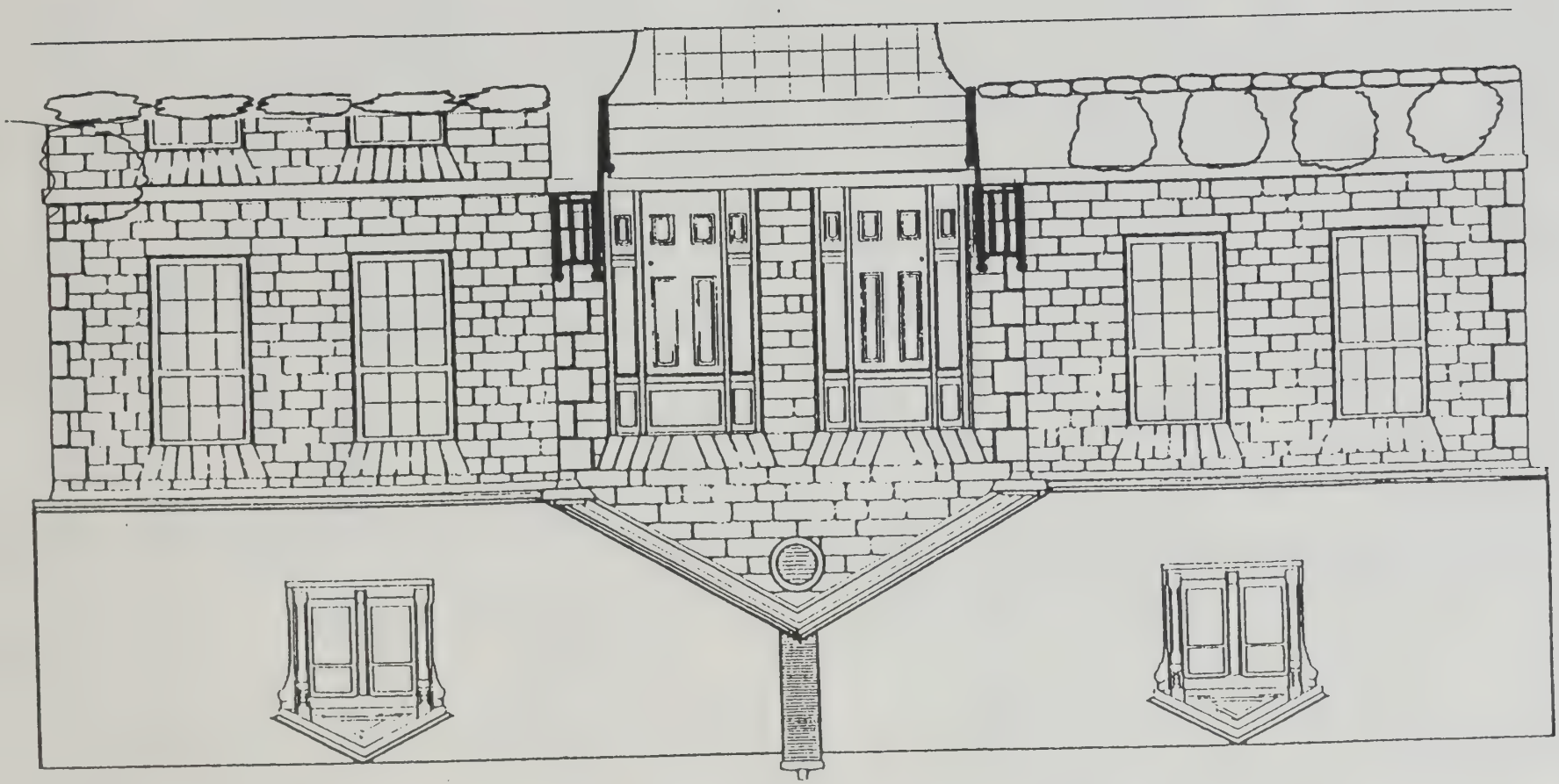
PROPOSED

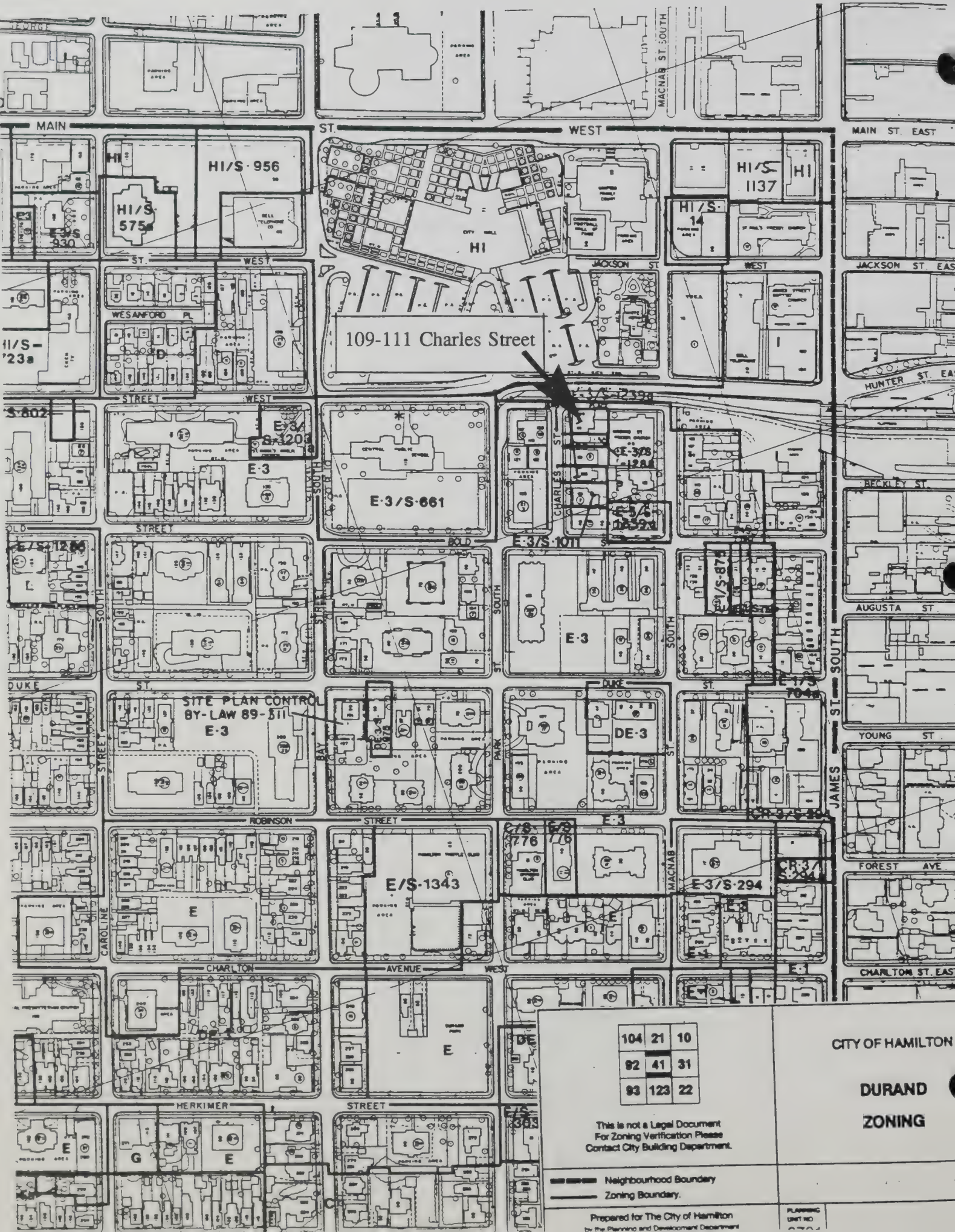
Appendix "A"

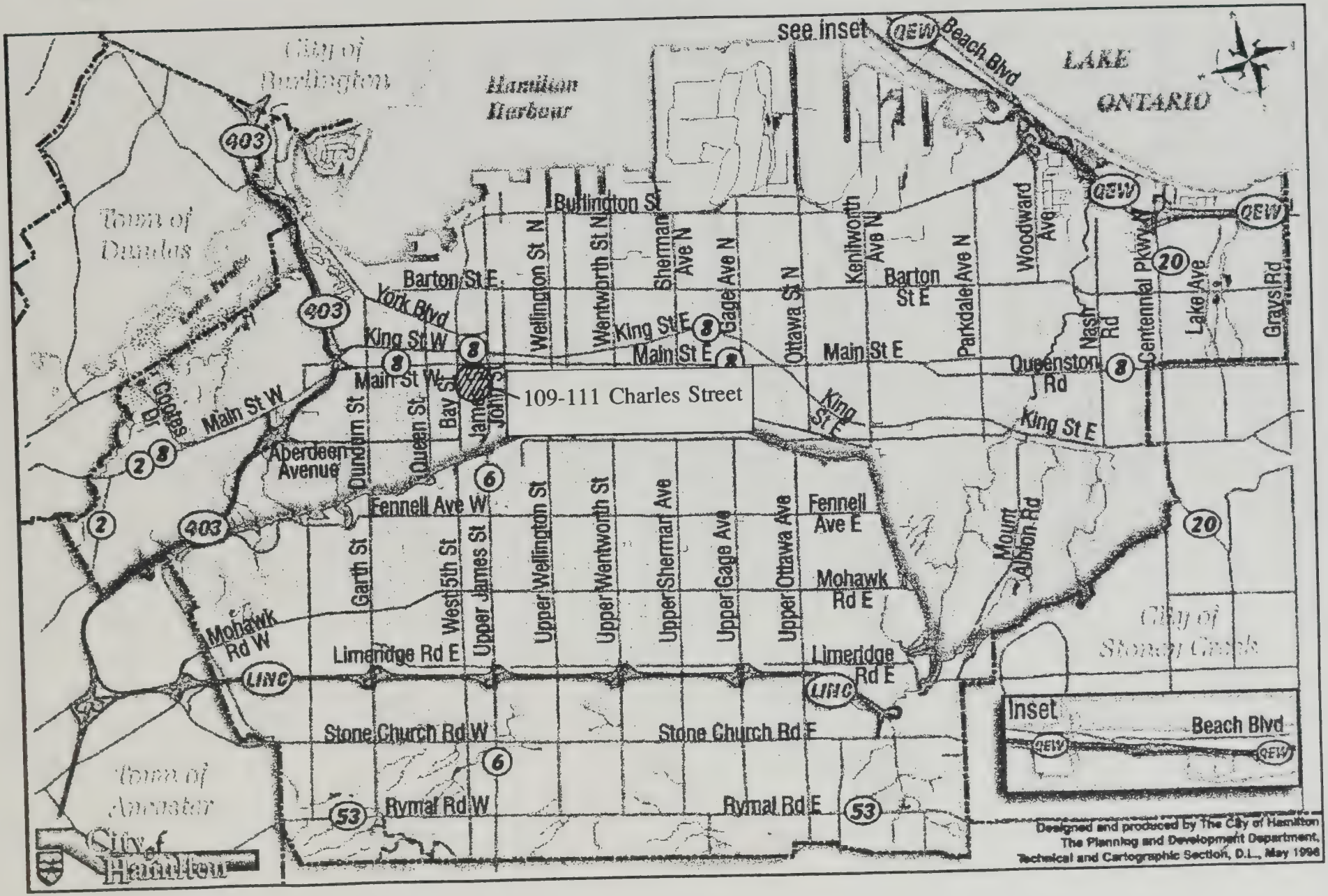


EXISTING






MAIN ST. WEST
MAIN ST. EAST
MACNAB ST. SOUTH
JACKSON ST.
JACKSON ST. EAST
HUNTER ST. EAST
BECKLEY ST.
AUGUSTA ST.
YOUNG ST.
FOREST AVE.
CHARLTON ST. EAST
WESANFORD PL.
109-111 Charles Street
CHARLES ST. SOUTH
BOLD ST.
DUKE ST.
ROBINSON STREET
CHARLTON AVENUE WEST
HERKIMER STREET
JAMES ST. SOUTH
MACNAB
CAROLINE
BAY
PARK
SITE PLAN CONTROL BY-LAW 89-311
HI/S-956
HI/S-575
HI/S-930
HI/S-1137
HI/S-14
E-3/S-661
E-3/S-1011
E-3
DE-3
E/S-1343
E-3/S-294
104 21 10
92 41 31
93 123 22
This is not a Legal Document
For Zoning Verification Please
Contact City Building Department.
Neighbourhood Boundary
Zoning Boundary.
CITY OF HAMILTON
DURAND
ZONING
Prepared for The City of Hamilton


109-111 Charles Street
see inset
City of Burlington
Hamilton Harbour
LAKE ONTARIO
Beach Blvd
QEW
403
Town of Dundas
Barton St E
York Blvd
King St W
Main St W
Main St E
King St E
Queenston Rd
Burlington St
Wellington St N
Wentworth St N
Sherman Ave N
Gage Ave N
Ottawa St N
Kenilworth Ave N
Parkdale Ave N
Woodward Ave
Centennial Pkwy
Nash Rd
Lake Ave
Grays Rd
Cootes Dr
Aberdeen Avenue
Dundurn St
Queen St
Bay St
James St
John St
Fennell Ave W
Fennell Ave E
Garth St
West 5th St
Upper James St
Upper Wellington St
Upper Wentworth St
Upper Sherman Ave
Upper Gage Ave
Upper Ottawa Ave
Mount Albion Rd
Mohawk Rd W
Mohawk Rd E
Limeridge Rd E
Stone Church Rd W
Stone Church Rd E
Rymal Rd W
Rymal Rd E
LINC
Town of Ancaster
City of Stoney Creek
Inset
Beach Blvd
Designed and produced by The City of Hamilton
The Planning and Development Department,
Technical and Cartographic Section, D.L., May 1998
City of Hamilton

CITY OF HAMILTON

E ii)

- RECOMMENDATION -

DATE: 1998 October 21 OCT 22 1998

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Heritage Permit Application - 182 St. Clair Boulevard

RECOMMENDATION:

That a Heritage Permit be approved for an extension to the front of the rear yard garage at 182 St. Clair Boulevard located in the St. Clair Boulevard Heritage Conservation District, as shown on the drawing attached hereto and marked as Appendix "A".

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Under the provisions of Part V of the Ontario Heritage Act, any addition/alteration to an existing structure located within a heritage conservation district requires Council approval through the Heritage Permit process.

BACKGROUND:

Built in 1913, 182 St. Clair Boulevard was the first house to erected in the St. Clair Park Survey. The frame garage with a steep hipped roof was probably built in the 1920s. Measuring only eighteen (18) feet in depth, the section with the garage door was extended forward by a previous owner to accommodate a modern car; however, this projecting addition was covered with a flat roof. The current owner, David Beland, would like to enlarge the garage in a manner which is more sympathetic to the original design, by pulling the doorway forward so that it is flush with the garage door and extending the original roof structure to cover the previous and new additions. The end result will be a garage which closely resembles the original one but is four (4) feet longer.

The St. Clair Heritage Conservation District Plan does not provide any specific guidelines for the modification of original garages but does encourage owners to retain the original rear yard garages, repairing or rebuilding them if necessary. While these structures are not dominant features of the streetscape, they are unobtrusive and sympathetic to the homogeneous, cohesive character of this early 20th century residential street.

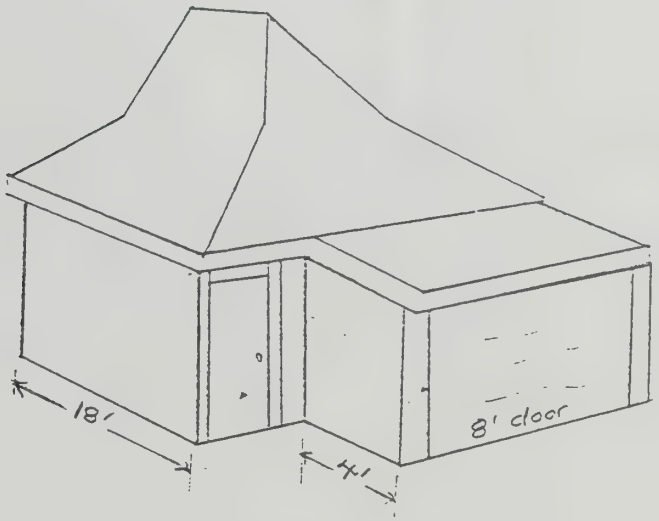
LACAC's Research Sub-Committee reviewed the proposed garage extension at its last meeting held 1998 September 30 and recommended that a Heritage Permit be approved, pending consultation with the St. Clair Boulevard Heritage District Advisory Committee comprising several property owners within the District and a LACAC representative. The spokesperson for the Heritage Conservation District has advised Heritage Planning Staff of their support for the proposal.

attached

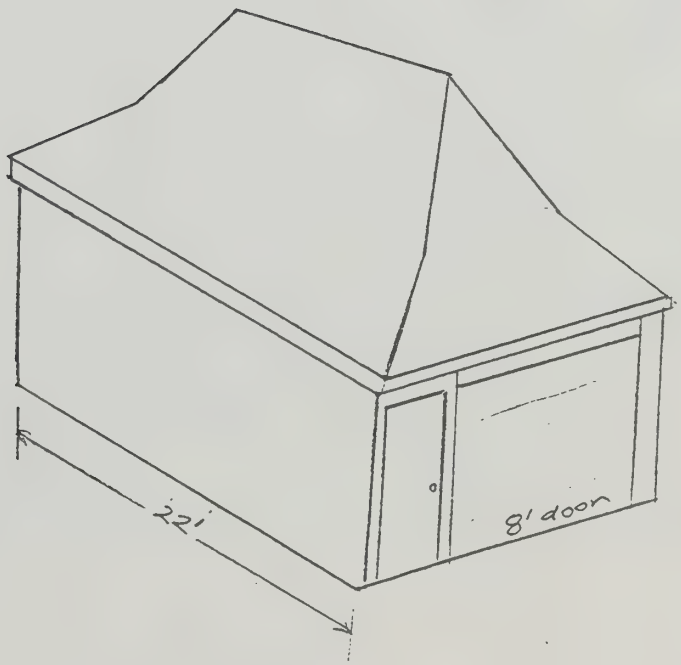
cc Victor Abraham, Director, Planning and Development Department
Nina Chapple, Planning and Development Department

Rear Yard Garage at 182 St. Clair Boulevard
St. Clair Boulevard Heritage Conservation District

EXISTING GARAGE



PROPOSED EXTENSION

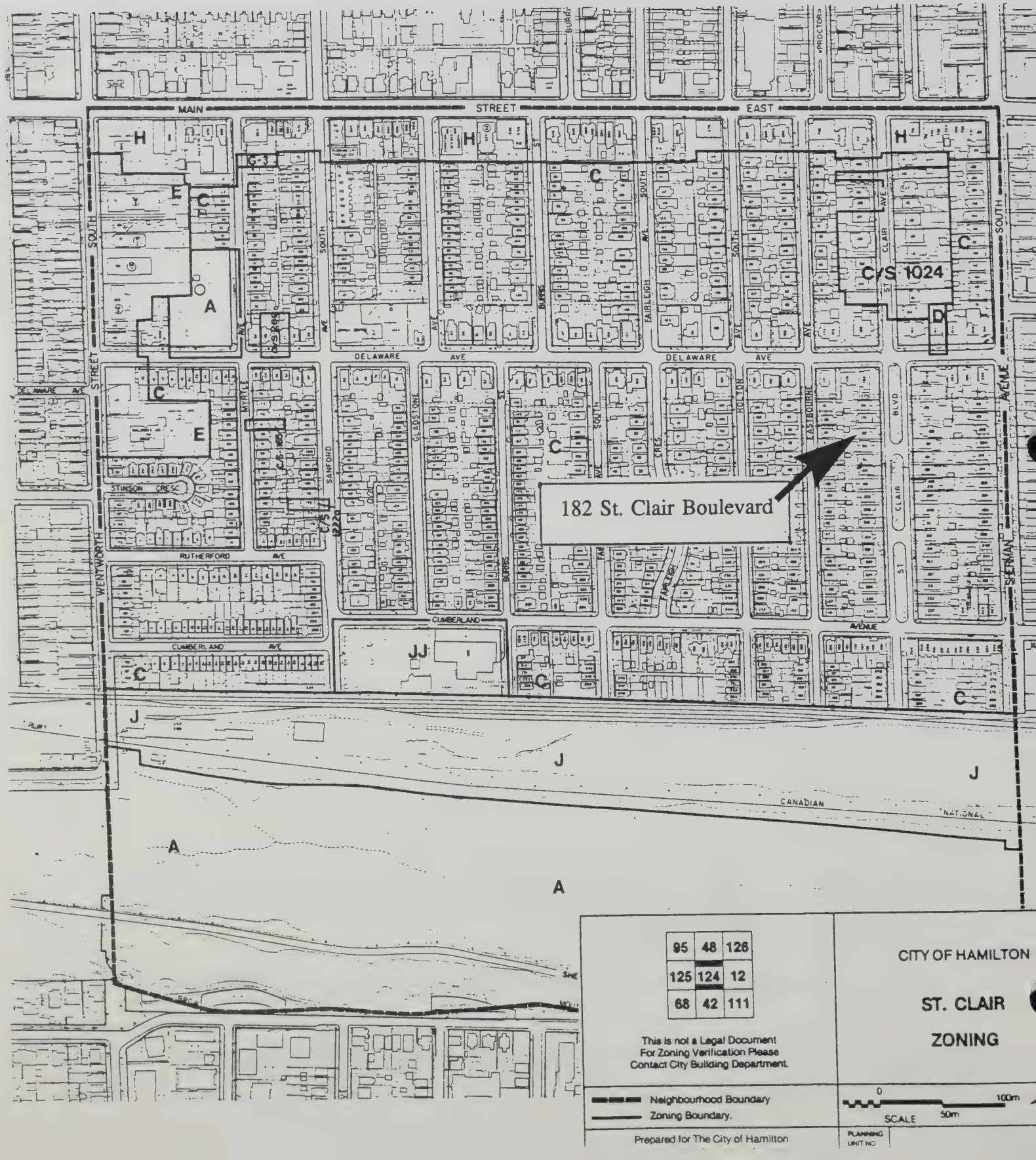


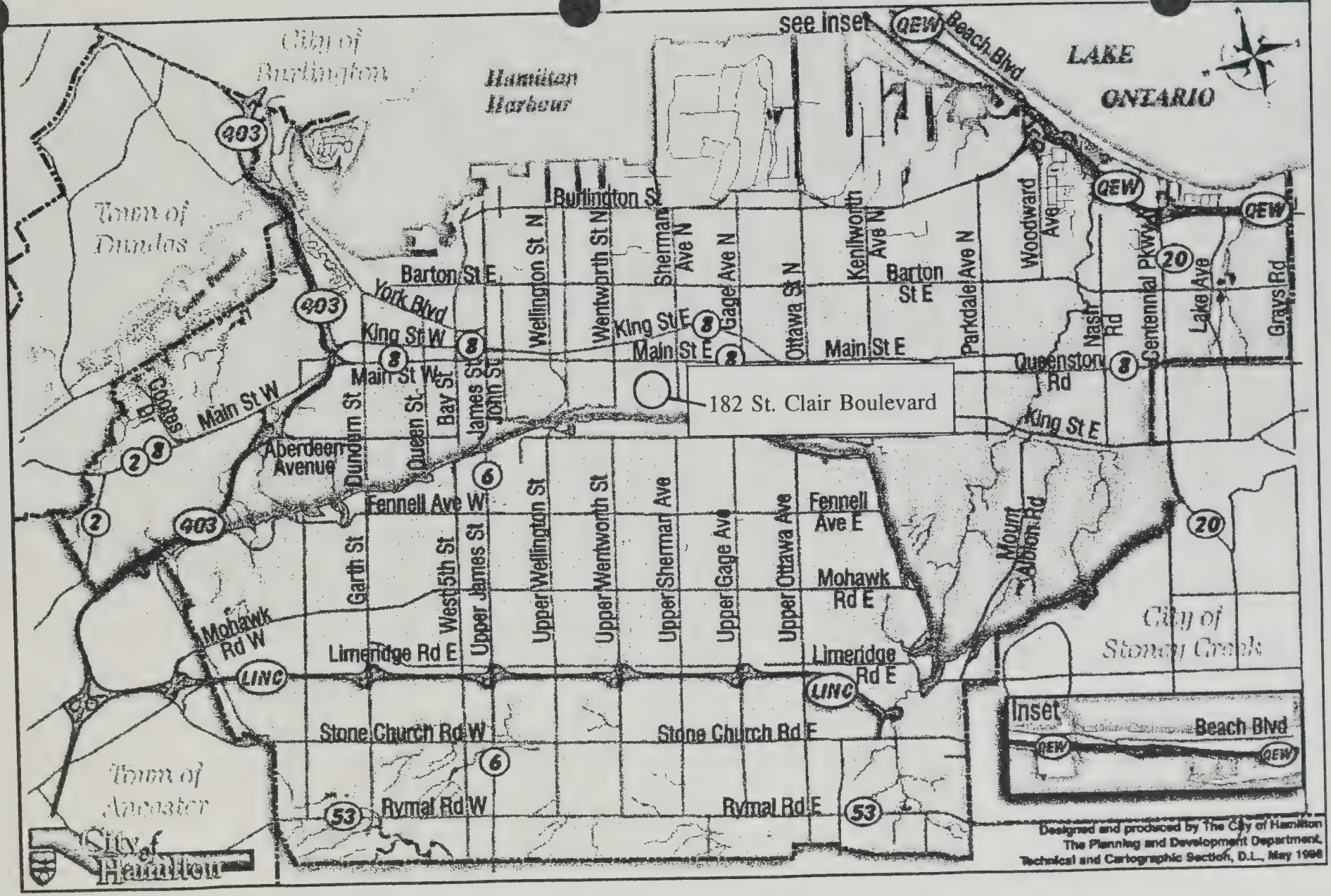
NOTES

The original walls are double brick masonry but the existing extension is clad in wood. The new existing and new extensions will be the same double brick construction using reclaimed brick to match and tinted mortar.

The extended roof structure will be re–roofed with new red asphalt shingles to match the house roof.

The garage will have an overhead rolling metal door and the adjacent doorway will have a panelled wood door.


MAIN STREET EAST
182 St. Clair Boulevard
C/S 1024
95 48 126
125 124 12
68 42 111
This is not a Legal Document
For Zoning Verification Please
Contact City Building Department.
CITY OF HAMILTON
ST. CLAIR
ZONING
Neighbourhood Boundary
Zoning Boundary.
SCALE
Prepared for The City of Hamilton
PLANNING UNIT NO


182 St. Clair Boulevard
see inset
City of Burlington
Hamilton Harbour
LAKE ONTARIO
Beach Blvd
QEW
403
Town of Dundas
Burlington St
Barton St E
York Blvd
King St W
Main St W
Main St E
King St E
Wellington St N
Wentworth St N
Sherman Ave N
Gage Ave N
Ottawa St N
Kenilworth Ave N
Parkdale Ave N
Woodward Ave
Centennial Pkwy
Nash Rd
Lake Ave
Gray's Rd
Queenston Rd
Cootes Dr
Aberdeen Avenue
Dundurn St
Queen St
Bay St
James St
John St
Fennell Ave W
Fennell Ave E
Garth St
West 5th St
Upper James St
Upper Wellington St
Upper Wentworth St
Upper Sherman Ave
Upper Gage Ave
Upper Ottawa Ave
Mount Albion Rd
Mohawk Rd W
Mohawk Rd E
Limeridge Rd E
Limeridge Rd E
LINC
Stone Church Rd W
Stone Church Rd E
Rymal Rd W
Rymal Rd E
Town of Ancaster
City of Stoney Creek
Inset
Beach Blvd
City of Hamilton
Designed and produced by The City of Hamilton
The Planning and Development Department,
Technical and Cartographic Section, D.L., May 1998

F.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 November 28

REPORT TO: Alderman F. D'Amico, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **Information Item**

RECOMMENDATION:

That the following Information Item, which has been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Secretary, LACAC re: Minutes of the Meeting held 1998 September 21

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The above-noted document has been sent out to members of the Committee and the applicable staff for information purposes and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive this document will ensure that the circulation procedure is recorded for these matters.

Urban Municipal Collection
2nd Floor
Hamilton Public Library

URBAN MUNICIPAL

CA4 ON HBL A05
C51P4
1998

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

URBAN MUNICIPAL

NOV 17 1998

Wednesday, 1998 November 18
9:30 o'clock a.m.
Room 233, City Hall

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Subdivision Application 98-04 (Cornerstone Estates) and Zoning Application 98-34, by Alfredo Massi and Emidio Massi, owners, for changes in zoning for a 2.5 ha (6.2 acre) parcel of land located at the south-west corner of Stone Church Road West and West 5th Street.

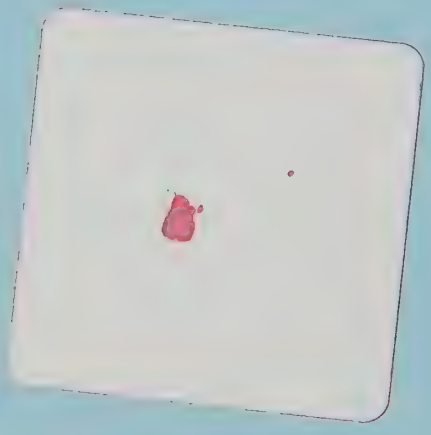
2. Zoning Application 98-35, by Sunoco Inc., owner, for a further modification to the "HH" District, for lands located at 615 Mohawk Road West.

3. Zoning Application 98-37, by Francesco Agostino, prospective owner, for a change in zoning from "G-3" District to "D" District modified for property located at 11 Cheever Street.

9:45 O'CLOCK A.M.

4. City Initiative 98-C, Windermere Basin

   Submission: (a) J. Brookfield, Planner, Hamilton Harbour Commissioners



5. PRIVATE AND CONFIDENTIAL AGENDA

6. DELEGATION

Brian Hinkley
Hamilton Harbour Planning Issues

7. REFERRAL FROM COUNCIL

Official Plan Amendment 156 and ZA-98-25 for 227-229 Maplewood Avenue

8. CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

Hamilton Community Correctional Centre – Proposed Location

9. DIRECTOR OF PLANNING AND DEVELOPMENT

Proposed Draft Plan of Condominium – Condominium Conversion, 9 Sherman Avenue South (CDM-CONV-98-013)

10. CONSENT AGENDA

11. OTHER BUSINESS

12. ADJOURNMENT

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No	Item	Original Date	Action	Status
1.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and incineration as a use on Harbour Lands	Report forthcoming
2.	RHPA application CD-96-004, 222 Gage Avenue South	1997 April 2 and 1997 May 7	Ward Aldermen to meet with applicant and residents	Tabled for 6 mos. (to first meeting of Nov 1997)
3.	RHPA application CD-96-005, 155 Market Street	1997 April 23	Applicant to meet with residents in order to address their concerns	Tabled for 2 months
4.	Boulevard Policy for New Subdivisions	1997 July 2	Staff directed to prepare report	Report forthcoming
5.	Planning Tariff Fees – Condominium & Subdivisions	1997 August 20	Sub-Committee to review and report back	Pending
6.	Licensing of New Hazardous Waste Sites	1997 August 20	Referred to Planning and Law Department Staff for report	Pending
7.	Parking Restrictions	1998 February 4	Referred to Planning & Building Depts. for staff reports	Pending
8.	York Boulevard Design Guidelines	1998 April 22	Planning Staff directed to provide a review for cttee	Pending
9.	St. Mark's Centre	1998 April 22 and 1998 May 6	Information requested on funding of repairs and comprehensive Plan	Pending
10.	ZA 98-26, 334 East 14th St.	1998 September 23	Proponents to meet with residents to resolve concerns	To be lifted from the table 1998 October 21
11.	Student Housing Licencing By-law	1998 September 23	Staff to Prepare a report	Pending
12.	Correspondence from the Ainslie Wood/Westdale Community Associations	1998 October 7	Referred to staff	Report Forthcoming
13.	Walkway Closure –Forestgate Drive	1998 November 4	Referred to Staff	Report Forthcoming

1998 November 6

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 5 November, 1998
(Sheldon Neighbourhood)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Victor J. Abraham
Director of Planning and Development

SUBJECT: Subdivision Application "Cornerstone Estates" and Change in Zoning – 99 Stone Church Road West

A. That approval be given to Subdivision Application 98-04, (Regional File No. 25T-98010) , Alfred Massi and Emidio Massi, owners to establish a draft plan of subdivision "Cornerstone Estates", on lands located south of Stone Church Road West and west of West Fifth Street in the Sheldon Neighbourhood, as shown on the attached map marked as Appendix "A", subject to the following conditions:

   i) That this approval apply to the plan prepared by Urbex Engineering Limited and certified by Bryon Jacobs, O.L.S., dated August 20, 1998, as revised in red, showing 27 lots for single detached dwellings, 5 blocks to be developed with the abutting lands for single detached dwellings, 1 block for townhouse dwellings, 1 block for road widening purposes, 2 blocks for 0.30 m reserves, and two streets identified as Street "A" and Court "B", attached as Appendix "B";

   ii) That Street "A" and Court "B" be named to the satisfaction of the City of Hamilton and the Region of Hamilton-Wentworth;

   iii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development a municipal street numbering plan;

   iv) That the owner shall erect a sign in accordance with Section XI of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton;

   v) That the final plan conform with the Zoning By-law approved under the Planning Act;

   vi) That the owner provide the City of Hamilton with a certified lost showing the net lot area and width of each lot and block and the gross area of the subdivision in the final plan;

vii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under Section 51 of the Planning Act;

viii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;

ix) That the Owner agree to include the following warning clause to be registered on title of all Lots and Blocks within the plan of subdivision, and the owner shall ensure that the warning clause is included in all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and the City Solicitor:

"Purchasers are advised that noise levels originating from Stone Church Road West and West 5th Street may become of concern, occasionally interfering with some activities of the occupant."

x) That the final plan be revised to provide for 9m radius transitions into and out of the cul-de-sac bulb on Court "B" to the satisfaction of the Commissioner, Regional Transportation Department;

xi) That the Owner prepare and implement a tree preservation/restoration plan to the satisfaction of the City Horticulturist, Department of Public Works and Traffic;

xii) That the Owner be responsible for all costs associated with the removal and/or replacement of any trees within the adjacent road allowance as determined by the City Horticulturist, Department of Public Works and Traffic;

xiii) That the final plan be revised such that the east-west section adjacent to Lots 10, 11 and 12 must align centreline-to-centreline with Pantano Drive on Registered Plan 62M-827 to the satisfaction of the Manager, Development Division, Regional Environment Department and the Director, Programme and Maintenance Division, Regional Transportation Department;

xiv) That the final plan be revised to provide for a 0.30 m reserve at the westerly limits of Court "B" to the satisfaction of the Manager, Development Division, Regional Environment Department and the Director, Programme and Maintenance Division, Regional Transportation Department;

xv) That the applicant prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority. The approved plan is to include the following:

(a) All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been revegetated;

(b) All erosion and sediment control measures shall be inspected after each rainfall, or alternatively every 14 days, to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority;

(c) Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

(d) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction.

xvi) That the Owner prepare and implement a stormwater management plan for the subject property to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority. The approved plan shall address stormwater quality and quantity issues and will ensure that current Provincial drainage and stormwater quality guidelines are implemented;

xvii) That the Owner agree in writing that Blocks 28, 30, 32, 33 and 34 are to be developed in conjunction with the abutting lands;

xviii) That the Owner dedicate Blocks 35 and 36, being 0.30 m reserves, to the Region of Hamilton-Wentworth;

xix) That the Owner enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of the subject lands; and,

xx) That the Owner agree in writing to satisfy all requirements, financial and otherwise of the City of Hamilton.

B. That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SA-98-04/25T-98010), "Cornerstone Estates", proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

C. That the City Clerk be directed to advise the Director, Development Division, Regional Environment Department of Council's decision.

D. That approval be given to Amended Zoning Application 98-34, Alfred Massi and Emidio Massi, owners for changes in zoning from the established "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District (Block "1"), from "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District (Block "2") and from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "3") for lands located south of Stone Church Road West and west of West Fifth Street in the Sheldon Neighbourhood, as shown on the attached map marked as Appendix "A", on the following basis:

i) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District;

ii) That Block "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District;

iii) That Block "3" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

iv) That the Director of Planning and Development be authorized to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C for presentation to City Council; and,

v) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the proposed by-law is to provide for changes in zoning for lands located at the south-west corner of Stone Church Road West and West 5th Street, known municipally as 99 Stone Church Road West, as shown on the attached map marked as Appendix "A", on the following basis:

Block "1"	From "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District;
Block "2"	From "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District; and,
Block "3"	From "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

The effect of the By-law is to permit the development of the subject lands in accordance with the proposed plan of subdivision "Cornerstone Estates" (Regional File No. 25T-98010) as follows:

Block "1"	1 block for townhouse dwellings;
Block "2"	14 lots for small lot single family dwellings (minimum lot width of 10 m); and,
Block "3"	13 lots and 5 blocks for single detached dwellings (minimum lot width of 12 m).

FINANCIAL/STAFFING/LEGAL IMPLICATIONS

As required by the Planning Act and the City of Hamilton Official Plan, Council shall hold at least one (1) public meeting for an application for a change in zoning and draft approval of a plan of subdivision.

BACKGROUND:

Proposal:

The proposed plan of subdivision, as red-line revised, is to subdivide the subject lands into 13 lots and 5 blocks for single family dwellings (Lots 8 – 20, inclusive and Blocks 28, 30, 32, 33 and 34), 14 lots for small lot single family dwellings (Lots 1 - 7, inclusive and Lots 21 – 27, inclusive), 1 block for townhouse dwellings (Block 29) and to establish 2 streets identified as Street "A" and Court "B", as shown on the attached maps marked as Appendix "B".

Applicant:

Alfredo Massi and Emidio Massi, joint owners.

Agent:

Angelo Cameracci, Urbex Engineering Limited.

Surveyor:

Bryon Jacobs, O.L.S.

Location:

The lands are located at the south-west corner of Stone Church Road West and West 5th Street, known municipally as 99 Stone Church Road West, in the Sheldon Neighbourhood (see Appendix "A").

Lot Size and Area:

The subject lands are rectangular in shape and have:

- A lot frontage of 186.5 m along Stone Church Road West;
- A lot frontage of 104 m along West 5th Street;
- A lot depth of 163 m; and,
- A total lot area of 2.52 ha.

LAND USE AND ZONING:

	Existing Land Use	**Existing Zoning**
Subject Lands	Single Detached Dwelling and vacant lands	"AA" (Agricultural) District
Surrounding Land Use		
To the north	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District
To the south	Vacant Lands and Single Detached Dwellings	"AA" (Agricultural) District
To the west	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District
to the east	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District

OFFICIAL PLAN:

The subject lands are designated as **"RESIDENTIAL"** on Schedule "A" of the City of Hamilton Official Plan. The proposed plan of subdivision and changes in zoning comply with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Attached Housing" (Block "1") and "Single and Double " Residential (Blocks "2" and "3") in the approved Sheldon Neighbourhood Plan. The proposed changes in zoning comply with the approved neighbourhood plan.

COMMENTS RECEIVED:

- The Traffic Division, Department of Public Works and Traffic has advised of the following:

  "Please be advised that we have reviewed the zoning and subdivision applications and have no comment."

- The Hamilton Region Conservation Authority (HRCA) have advised that they have no objection to the proposed change in zoning.

  With respect to the proposed plan of subdivision, the HRCA advised of the following:

  "1. That the applicant prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority. The approved plan should include the following notes:

  a) All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been revegetated;

  b) All erosion and sediment control measures shall be inspected after each rainfall to the satisfaction of Authority staff;

  c) Any disturbed area not scheduled for further construction within 45 days will be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction;

  d) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction;

  2. That the applicant prepare and implement a stormwater management plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority. The approved plan shall address stormwater quantity and quality issues and ensure that current Provincial drainage and stormwater management quality guidelines are implemented.

Comments:

Removal of vegetative cover combined with the construction of the subdivision may increase erosion and sedimentation both on and off the subject property. In this regard, an erosion and sediment plan should be prepared and implemented for the subject property to the satisfaction of the Hamilton Region Conservation Authority.

A stormwater management plan is required for this site. This report will explain the manner in which stormwater will be conveyed from the site, including stormwater management techniques in accordance with Provincial drainage and stormwater quantity and quality guidelines.

Ministry of Natural Resources concerns regarding this project have been addressed through the comments and conditions provided by the HRCA."

- The Building Department advised of the following:

"1. Block 1, also shown as "Block 29 Future Townhouse Site" conforms with respect to the minimum lot depth of 30.0 m and the minimum width of 23.0m for townhouse dwellings.

2. No concept drawing submitted and the area of Block 29 not indicated to determine the maximum number of townhouse dwellings.

3. For single family dwellings, Lots 1 – 7 and Lots 21 – 27 conform with respect to the minimum average lot width and minimum average lot area of the "R-4" District.

4. Lots 8 – 20 conform with respect to the minimum lot width and minimum lot area requirements of the "C" District.

5. Block 30 and the part lot located to the east of Lot 17 do not conform with respect to the minimum lot width and lot area requirements of the "C" District.

6. Block 31 appears to be a road widening and if any 0.30 m reserve exists, shall be incorporated into the road allowance.

7. A demolition permit in the normal manner is required to demolish the dwelling and garage. Please note that upon demolition, a credit for the Regional and City Development Charges is applicable to redevelopment, in accordance with the City and Regional Development Charges By-laws."

- The Regional Environment Department, Development Engineering Section advised of the following:

"Zoning Application 98-34:

1. There are external public watermains and separate storm and sanitary sewers available to service the subject lands. Internal servicing will be dealt with under

the required Regional Service Agreement for the proposed draft plan of subdivision for "Cornerstone Estates".

2. The designated road allowance widths of Stone Church Road and West 5th Street are 20.48m. In accordance with this designation we require as a condition of development approval that the following road allowance widenings be dedicated to the Region:
   (i) Sufficient lands to establish the property line 15.24m from the centreline of the original Stone Church Road road allowance.
   (ii) Sufficient lands to establish the property line 15.24m from the centreline of the original West 5th Street road allowance.
   (iii) Sufficient lands to establish a 12.19m by 12.19m daylight triangle from the widened road allowance limits of West 5th Street and Stone Church Road.
3. In conjunction with this application the applicant/owner has also submitted Cornerstone Estates draft plan of subdivision. Detailed comments on the roadway alignments, tree preservation/restoration plans, etc. have been submitted under the draft plan submission.
4. For the information of the applicant/owner, access to Block 1 (proposed Townhouse Block) from West 5th Street will be restricted to the southerly 10 to 15m of frontage on West 5th Street due to the vertical crest curve on West 5th Street. In preparing the Zoning By-law amendments for this Block, we require that appropriate amendments, if required, be placed in the by-law to ensure that vehicular access within this area is permitted should the site plan applications for this property require this access at some future date.
5. The zoning boundaries must reflect the approved limits of the roadways in Cornerstone Estates draft plan of subdivision."

Subdivision Application 98-04

For Information:

1. There are a number of trees within the existing road allowances and the widened road allowance limits of Stone Church Road and West 5th Street. These include a number of Oak trees, sumachs and other varied species of trees. There is also a variable grade difference between the back of the asphalt walk to Stone Church Road and the area on which the trees are located. The removal of any trees within the road allowances requires the written approval of the Forestry Section and if approved, the costs of removal and replacement of the trees will be determined by their Office.
2. Road access is available from Stone Church Road West and West 5th Street.
3. Access to the townhouse block shown as Block 29 will be permitted only from West 5th Street within 10 to 15 metres of the south property line due to the vertical alignment of West 5th Street.

4. Access to Lots 1 and 28 should be from Street "A" only and not Stone Church Road West.
5. That 9m radius transitions into and out of the cul-de-sac bulb on Court "B" be shown on the Final Plan.

Recommendations:

1. That 9m radius transitions into and out of the cul-de-sac bulb on Court "B" be shown on the Final Plan.
2. That the Owner prepare and implement a tree inventory/preservation/restoration plan to the satisfaction of the Forestry Section of the City of Hamilton Department of Public Works and Traffic.
3. That the east-west street section adjacent to Lots 8, 9 ,11, 12 and Block 28 must align centreline to centreline with Pantano Drive on Registered Plan 62M-827.
4. That the Owner provide a 0.30 metre reserve at the west limit of Court "B".
5. That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands.

The submitted plan as prepared by Bryan Jacobs, O.L.S., and dated August 20, 1998 is satisfactory to the Regional Environment Department subject to the above comments and recommendations."

- The Regional Environment Department, Development Division advised of the following:

"The application conforms with the Hamilton-Wentworth Official Plan.

The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The subject lands are adjacent to the intersection of Stone Church Road West and West 5th Street, which are major arterial roads with potential vehicular noise impacts on residential developments.

Therefore, approval of the proposed subdivision should be conditional upon the following:

1) That the owner agree in writing to register the following noise warning clause for all the residential units within the proposed development:

"Purchasers are advised that noise levels originating from Stone Church Road West and West 5th Street may become of concern, occasional interfering with some activities of the occupant."

COMMENTS:

1. The proposal complies with the general intent of the Official Plan and approved Sheldon Neighbourhood Plan.

2. The proposal has merit and can be supported for the following reasons:

   i) it implements the intent of the Official Plan and the Sheldon Neighbourhood Plan;

   ii) it is consistent with planned development in accordance with the Sheldon Neighbourhood Plan; and,

   iii) it would be compatible with the existing and planned residential uses in the surrounding area.

3. The proposed plan of subdivision has been red-line revised to provide "C" lots oriented towards the proposed "C" District lots on Street "B". The development pattern along Street "B" has been established in the existing subdivision to the west of the subject lands ("Sheldon Estates", see Appendix "C"). All of the lots along Street "B" (Pantano Drive) are zoned "C" District and have a minimum lot width of 12.2 m. This will allow for the consistent lotting and orientation along the future extension of Pantano Drive. This will also provide for a transition from the "R-4" District lots closer to Stone Church Road West and the approved development pattern along Street "B"/Pantano Drive. The effect of the red-line revision is to allow for the creation of 27 building lots and 1 block for future development with the abutting lands, whereas the plan as submitted proposed 28 lots.

4. The applicant is proposing to rezone the subject lands to "C" District, "R-4" District and "RT-20" District. As a condition of draft plan approval, the proponent will be required to submit a surveyor's certificate showing lot width and lot area demonstrating conformity with the applicable provisions of the City of Hamilton Zoning By-law.

5. The approved Sheldon Neighbourhood Plan designates a site for park and recreational uses to the south and west of the subject lands. As such, rather than requiring the developer to dedicate 5% of the total area of the subdivision for parkland, the proponent will be required to make a 5% cash-in-lieu payment to the City of Hamilton as a condition of draft plan approval.

6. The Regional Environment Department has advised that the designated road allowance widths of Stone Church Road and West 5th Street are 20.48m. Stone

Church Road and West 5th Street are under the jurisdiction of the Region of Hamilton-Wentworth. As such, and as a condition of development approval, the applicant will be required to dedicate the following road allowance widenings to the Region:

(i) Sufficient lands to establish the property line 15.24m from the centreline of the original Stone Church Road road allowance.

(ii) Sufficient lands to establish the property line 15.24m from the centreline of the original West 5th Street road allowance.

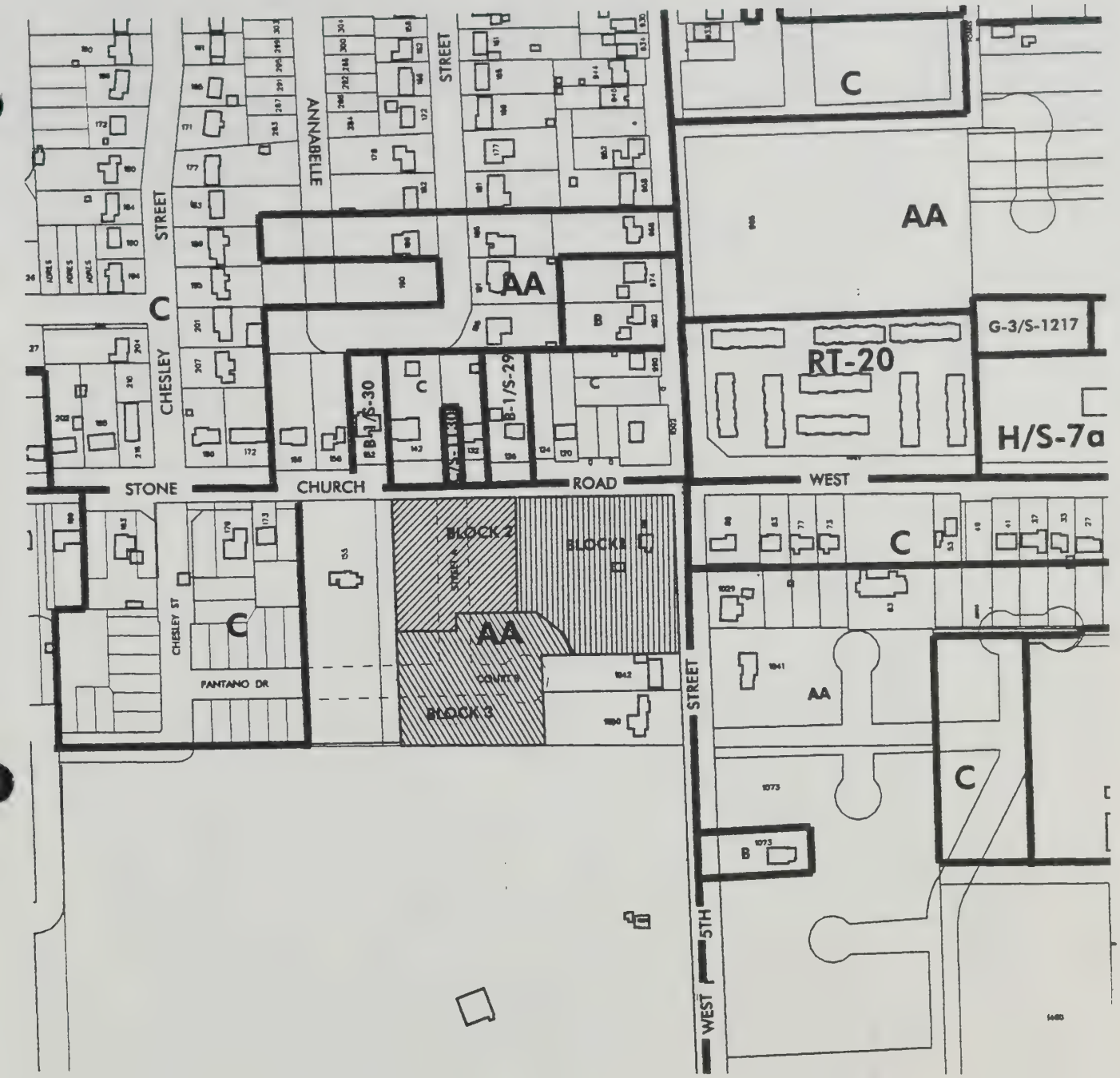
(iii) Sufficient lands to establish a 12.19m by 12.19m daylight triangle from the widened road allowance limits of West 5th Street and Stone Church Road.

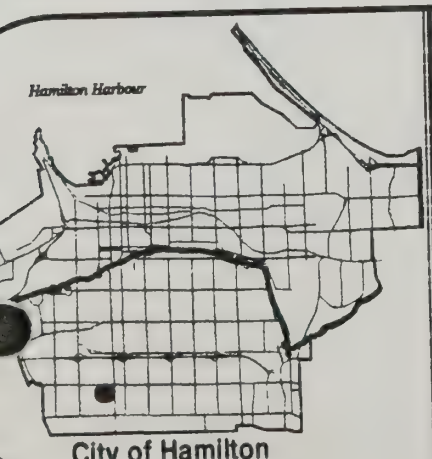
7. The "RT-20" District is subject to site plan control. As such, matters such as landscaping, fencing, building design, orientation and driveway access, etc. will be further reviewed at the site plan control stage.

CONCLUSION:

On the basis of the foregoing, the applications can be supported.

SR/sr





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

From "AA" (Agricultural) to "RT-20" (Townhouse Masionette) District

From "AA" (Agricultural) to "R-4" (Small Lot Single Family) District

From "AA" (Agricultural) to "C" (Urban Protected Residential, etc.) District

Reference file: **ZAC-98-34**

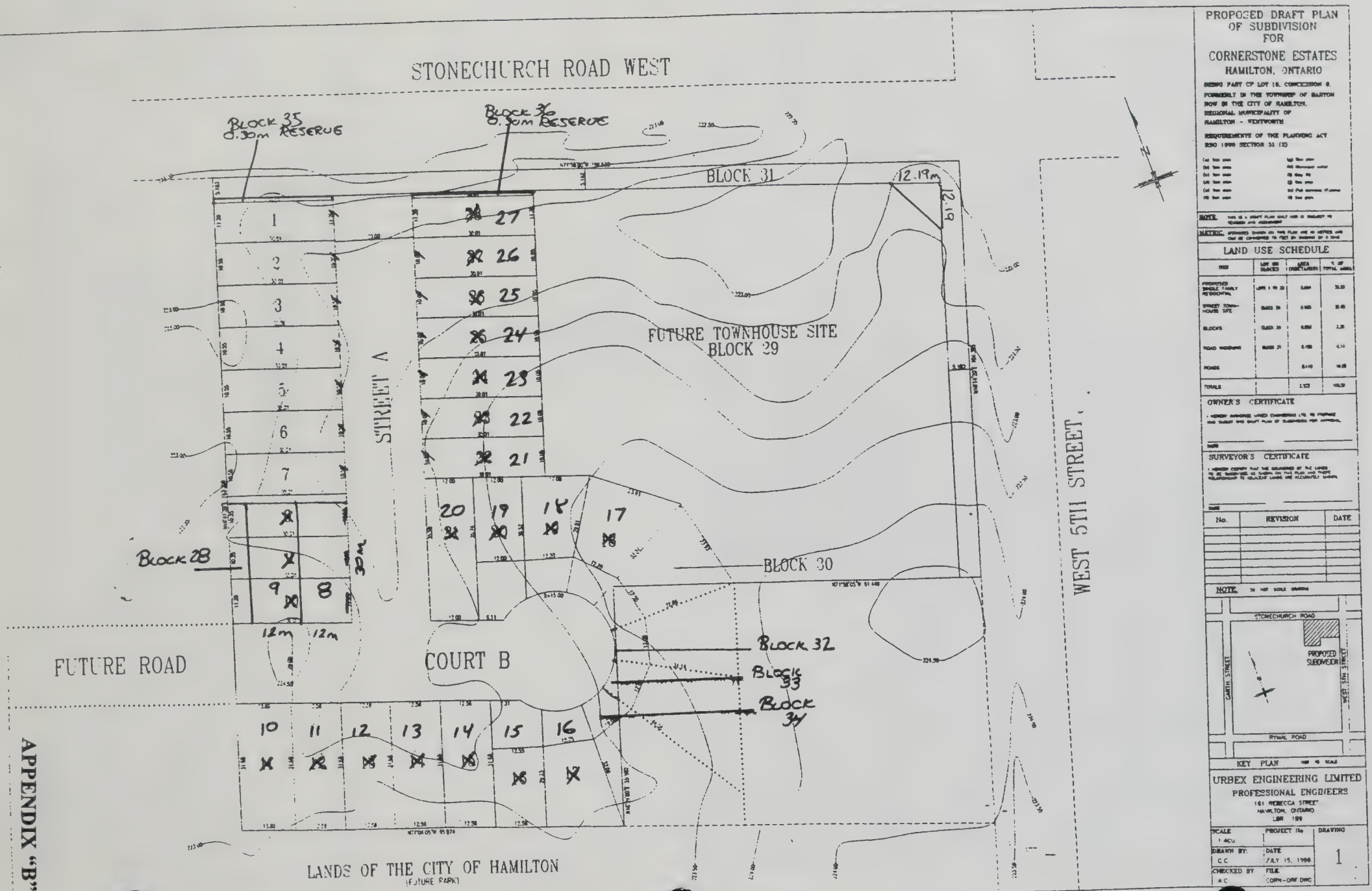
Scale: **Not to Scale**

Date: **October, 1998**

Technician: **J.Sims**

North

APPENDIX "A"



PROPOSED DRAFT PLAN
OF SUBDIVISION
FOR
CORNERSTONE ESTATES
HAMILTON, ONTARIO

BEING PART OF LOT 16, CONCESSION 8,
FORMERLY IN THE TOWNSHIP OF BARTON
NOW IN THE CITY OF HAMILTON,
REGIONAL MUNICIPALITY OF
HAMILTON - WENTWORTH

REQUIREMENTS OF THE PLANNING ACT
R.S.O. 1990 SECTION 51 (17)

NOTE

METRIC

LAND USE SCHEDULE

USE	LOT OR BLOCK	AREA (HECTARES)	% OF TOTAL AREA
PROPOSED SINGLE FAMILY RESIDENTIAL	LOTS 1 TO 28	5.894	33.33
STREET TOWN-HOUSE SITE	BLOCK 29	0.903	5.10
BLOCKS	BLOCK 30	6.892	38.96
ROAD WIDENING	BLOCK 31	0.158	0.89
ROADS		3.819	21.59
TOTALS		17.687	100.00

OWNER'S CERTIFICATE

SURVEYOR'S CERTIFICATE

No.	REVISION	DATE

NOTE

STONECHURCH ROAD
PROPOSED SUBDIVISION
GARTH STREET
WEST 5TH STREET
RYMAL ROAD

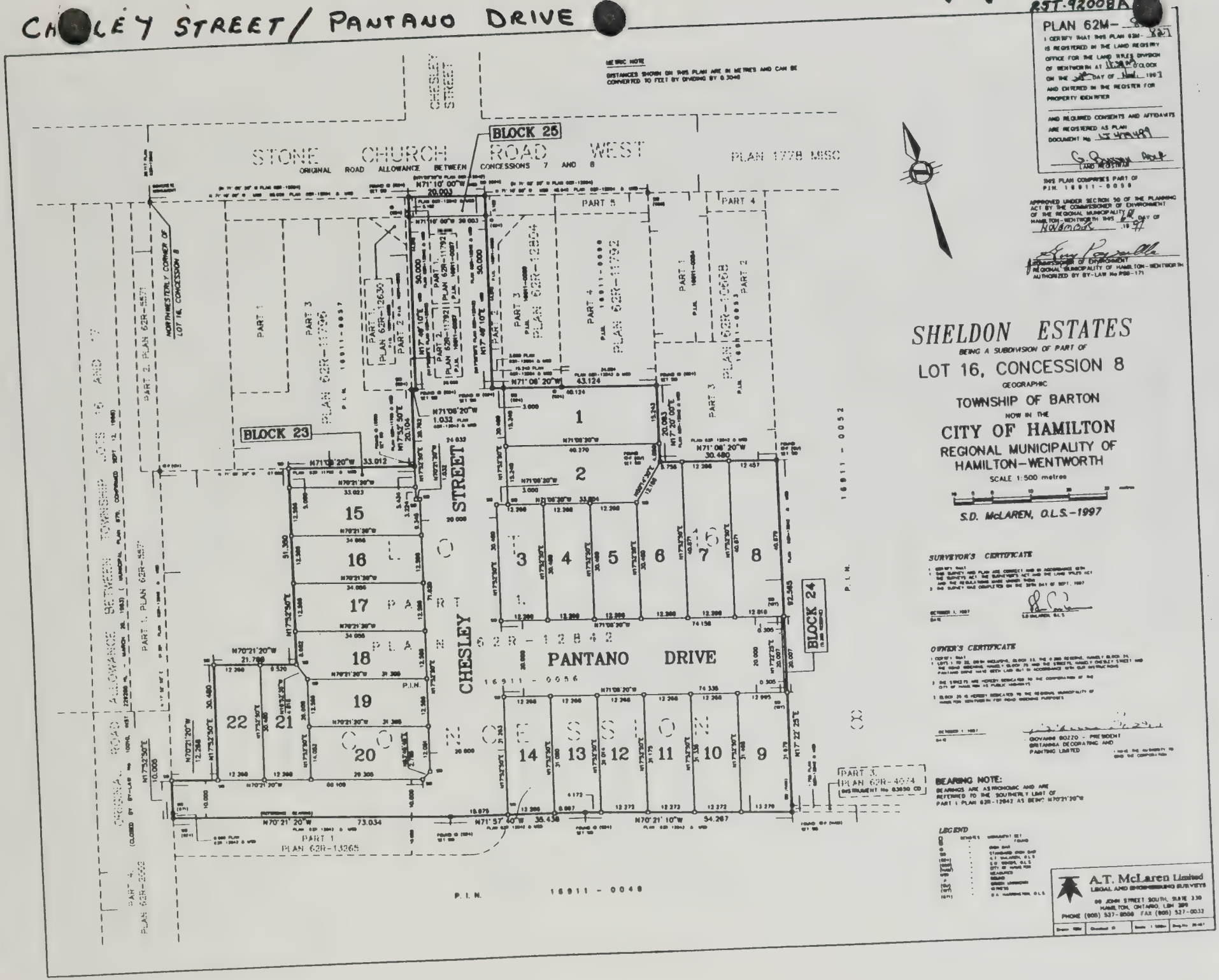
KEY PLAN NOT TO SCALE

URBEX ENGINEERING LIMITED
PROFESSIONAL ENGINEERS
161 REBECCA STREET
HAMILTON, ONTARIO
L8R 1B9

SCALE	PROJECT No.	DRAWING
1:400		1
DRAWN BY: CC	DATE: JULY 15, 1998	
CHECKED BY: AC	FILE: CORN-DRF.DWG	

APPENDIX "B"

CHESLEY STREET / PANTANO DRIVE



RST-92008A

PLAN 62M-

I CERTIFY THAT THIS PLAN 62M- IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF WENTWORTH AT o'CLOCK ON THE DAY OF 19 AND ENTERED IN THE REGISTER FOR PROPERTY IDENTIFIER

AND REQUIRED CONSENTS AND AFFIDAVITS ARE REGISTERED AS PLAN DOCUMENT No

LAND REGISTRAR

THIS PLAN COMPRISES PART OF P.I.N. 16911 - 0056

APPROVED UNDER SECTION 50 OF THE PLANNING ACT BY THE COMMISSIONER OF ENVIRONMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH THIS DAY OF NOVEMBER 19 97

COMMISSIONER OF ENVIRONMENT
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
AUTHORIZED BY BY-LAW No 90-171

SHELDON ESTATES

BEING A SUBDIVISION OF PART OF

LOT 16, CONCESSION 8

GEOGRAPHIC

TOWNSHIP OF BARTON

NOW IN THE

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1:500 metres

S.D. McLAREN, O.L.S.-1997

SURVEYOR'S CERTIFICATE

OCTOBER 1, 1997

S.D. McLAREN, O.L.S.

OWNER'S CERTIFICATE

I (WE) HAVE AUTHORIZED THE SURVEY AND PLAN SHOWN HEREON AND DESCRIBED IN THE SURVEYOR'S CERTIFICATE.

I (WE) AGREE TO GRANT ALL EASEMENTS REQUIRED BY THE CORPORATION OF THE CITY OF HAMILTON AND PUBLIC UTILITIES.

I (WE) HEREBY DEDICATE BLOCK 25 TO THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH FOR ROAD WIDENING PURPOSES.

OCTOBER 1, 1997

GIOVANNI BOZZO - PRESIDENT
BRITANNIA DECORATING AND PAINTING LIMITED

BEARING NOTE:

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT OF PART 1 PLAN 62R-12842 AS BEING N70°21'30"W

LEGEND

A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS
99 JOHN STREET SOUTH, SUITE 330
HAMILTON, ONTARIO, L8N 3E9
PHONE (905) 527-8559 FAX (905) 527-0032

APPENDIX "C"

CITY OF HAMILTON

2

- RECOMMENDATION -

DATE: 1998 November 6
ZAC-98-35
Gilbert Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Victor J. Abraham
Director of Planning and Development

SUBJECT: Request for a further modification in zoning – 615 Mohawk Road West

RECOMMENDATION:

That approval be given to **Zoning Application ZAC-98-35, Sunoco, owner,** for a further modification to the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations, to permit a convenience store and Country Style Drive Thru (Donuts), in conjunction with the existing service station, on lands located at 615 Mohawk Road West, as shown on the attached map marked as Appendix "A", subject to the following:

i) That the "HH' (Restricted Community Shopping and Commercial, etc.) District regulations, as contained in Section 14A of By-law No. 6593, as amended by By-law No. 85-1, applicable to the subject lands, be further modified to include the following variances as special provisions:

(a) That Section 2.(a)(i) of By-law No. 85-01 be deleted and replaced with the following:

"(i) **COMMERCIAL USES** shall be prohibited except for:

(a) a self-serve gas station and repair garage;

(b) a convenience store with a drive-thru donut restaurant having a total maximum gross floor area of 156 m^2, and only as an accessory use to the self-serve gas station and repair garage;

(ii) a minimum of five (5) unobstructed vehicle stacked parking spaces within the access driveway to the drive-thru donut restaurant shall be provided and maintained between the entrance to the drive-thru donut restaurant and the menu board;"

ii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Section S-801a, and the subject lands on Zoning District Map W-27 be notated S-801a;

iii) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map W-27, for presentation to City Council; and,

iv) The proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

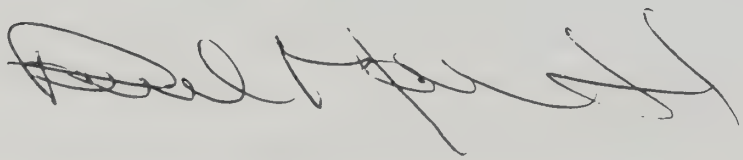
EXPLANATORY NOTE:

The purpose of the By-law is to provide for a further modification to the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations, for lands located at 615 Mohawk Road West as shown the attached map marked as Appendix "A".

The effect of the By-law is to permit a convenience store with a drive-thru donut restaurant having a maximum gross floor area of 156 m^2, and only in conjunction with the existing self-serve gas station and repair garage.

In addition, the By-law provides for the following variance:

- To require a minimum of five (5) unobstructed vehicle stacked parking spaces within the access driveway to the drive-thru donut restaurant to be provided and maintained between the entrance to the drive-thru and the menu board.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law Amendment.

BACKGROUND:

Proposal

The applicant proposes to add a convenience store and Country Style Drive-Thru (donuts) in conjunction with the existing service station (see APPENDIX "B" attached). The existing 20 m^2 kiosk will be replaced with a new 156 m^2 kiosk with the convenience store and drive-thru restaurant. The existing canopy and pump islands will be removed

and replaced. New curbing will be constructed east and west of the kiosk to facilitate the drive through stacking and add 3 new parking spaces including one handicapped space.

By-law No. 82-226 and By-law No. 85-1

City Council, on October 12, 1982, passed Zoning By-law No. 82-226, which rezoned the subject lands from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial, etc.) District, modified. The modification established a minimum setback of any gas pump island and attendant's hut or kiosk of 45.72 m from Mohawk Road West.

Sunoco appealed By-law No. 82-226 to the Ontario Municipal Board for an order directing an amendment to change from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to permit the operation of a self-serve gas station and repair garage. The Ontario Municipal Board's decision allowed the appeal.

By-law No. 85-1, which implements the Board's decision, rezones the lands from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community shopping and Commercial, etc.) District, modified to permit only a self-serve gas station and repair garage.

APPLICANT:

Sunoco, owner.

LOT SIZE AND AREA:

The subject lands have:

- A frontage of 54 m (177.2 feet) on Mohawk Road West;
- A frontage of 77 m (252.6 feet) on Upper Paradise Road; and,
- A lot area of 3,755 m^2 (40,420 square feet).

LAND USE AND ZONING:

	Existing Land Use	**Existing Zoning**
Subject Lands	Service station and repair garage	"HH" (Community Shopping and Commercial, etc.) District, modified
Surrounding Lands		
To the north	Westcliffe Mall and single family dwellings	"G-1" (Designed Shopping Centre) District, modified and "C" (Urban Protected Residential, etc.) District

To the west	School and Church	"C" (Urban Protected Residential, etc.) District
To the south	Church	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District
To the east	Single family and semi-detached dwellings	"C" (Urban Protected Residential, etc.) District and "D" (Urban Protected Residential, One and Two Family Dwellings) District, modified

OFFICIAL PLAN:

The subject lands are designated "Commercial" on Schedule 'A' – Land Use Concept of the Official Plan. The following policies, amongst others apply:

"A.2.2.1 The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commercial is defined as establishments involved in the buying and selling of goods and services: business offices; and hotels, convention and entertainment facilities.

A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:

(ii) Larger scaled "Highway" commercial uses on deep lots, reliant on locations readily accessible to private vehicles specifically coming to, and parking on, the premises to do business.

A.2.2.30 AUTOMOBILE SERVICE CENTRES will include land or buildings used for the purpose of selling motor vehicle fuels: carrying out automotive repairs and/or providing car washes. The preferred location for AUTOMOBILE SERVICE CENTRES will be adjacent to the intersection of major roads.

A.2.2.31 In considering proposals for new AUTOMOBILE SERVICE CENTRES, Council will require that the following provisions are complied with in all respects:

i) Where AUTOMOBILE SERVICE CENTRES are located in a Shopping Centre, the structure(s) will by physically separated from the major activity areas and buildings of the Shopping Centre and be in close proximity to the major roads providing access; and,

ii) AUTOMOBILE SERVICE CENTRES will only be permitted where the movement of traffic and/or pedestrians in the vicinity of the site will not be endangered or congestion increased by virtue of their location and operation.

A.2.2.32 Council will endeavor to minimize the impacts of AUTOMOBILE SERVICE STATIONS on adjacent land uses through measures such as, but not limited to, the following:

i) The establishment of building separation distance and yard requirements;
ii) The requirement of fencing and/or landscaped buffer strips to effectively screen the operation;
iii) Paved surface requirements for all non-landscaped areas;
iv) The restriction of outside storage, other than automobiles;
v) The establishment of separation distance requirement from Residential or other lands uses for all ingress or egress ramps; and,
vi) The requirement that all lighting and illuminated signs be designed to be deflected or shielded from adjacent Residential Uses.

A.2.2.40 Where possible, loading facilities and parking space for delivery vehicles will be located, buffered and screened, so as to minimize adverse impacts on adjacent Residential Uses."

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial" in the approved Gilbert Neighbourhood Plan. The proposal complies with the approved plan.

COMMENTS RECEIVED:

The Regional Environment Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service the subject lands.

1. According to our records, the existing and designated road allowance widths of Upper Paradise Road and Mohawk Road is 30.48 m. Therefore, we do not anticipate any further road allowance widenings at this time.

2. According to our records the Region previously acquired the 12.19m by 12.19m daylight triangle shown as Part 1 on Reference Plan 62R-8699 by Instrument No. 443770C.D.

3. The new illuminated directional signing is located within the 5m by 5m visibility triangles adjacent to the accesses. These directional signs must either be located outside of these visibility triangles or the directional signs in the triangle must be setback a minimum of 2m from the access and 1m from the

street/property line with the height of the sign not to exceed 0.80m above the corresponding perpendicular roadway pavement elevation adjacent to the site.

4. We understand that the Traffic Division has concerns with respect to the number and location of the stacking spaces on site for the drive-thru and the impact on the access to Upper Paradise road, etc. We recommend that the details of the site plan be resolved prior to the approval of the final zoning By-law to ensure that any revisions to the site plan submitted and possible relocation of the kiosk, etc. required to address the traffic concerns still conforms to the zoning by-law requirements with respect to setbacks, etc.

5. Any other works which may occur within the adjacent road allowances or the daylight triangle must conform to the Region of Hamilton-Wentworth Roads Use By-law.

6. All other details with respect to grading, landscaping, etc. will be addressed at the site plan stage."

The Department of Public Works and Traffic has advised that:

"We have no objection to a further modification in zoning to permit the proposed gas bar/convenience store and drive thru. With reference to the preliminary plan submitted with the application we have the following comments.

As previously indicated in our comments regarding the preliminary plan submitted by the applicant, our standard design requirement for drive thru operations is that sufficient space be provided to permit stacking for a minimum of five vehicles from the menu board without having an impact on the access to the site. A fifth vehicle entering from Upper Paradise road would be required to enter the site and turn around in the area of the pump islands in order to stack in the manner shown on the plan. It is likely that without any physical restrictions such as a raised concrete curb to ensure stacking in the manner shown on the plan that a fifth vehicle entering from Upper Paradise Road will stop and block the access driveway and wait for the stacked vehicles to pull ahead. This may create backups on Upper Paradise Road which is unacceptable. Therefore, we recommend that the plan be modified at the site plan stage to increase the stacking to eliminate any impact on the access to the site."

The Building Department has advised that:

"1. By-law 85-1 (S-801) restricted this property to permit a self-serve gas station and repair garage only. A restaurant for take-out purposes and convenience store is not permitted.

2. A 3.0 m wide planting strip is required along the easterly side lot line. Please note that the planting strip is an area of land growing ornamental shrubs or trees or both for the sole purpose of providing a visual barrier or buffer. This has not been provided.

3. The board fence as indicated must be a visual barrier and shall be a minimum 1.2 m and maximum 2.0 m in height.

4. The access drive, including the drive-thru, shall be at least 3.0 m from the easterly lot line.

5. The ground sign shall conform to Section 14A(3)"

The Hamilton Region Conservation Authority has no objections.

COMMENTS:

1. The proposal complies with the Official Plan and the approved Gilbert Neighbourhood Plan.

2. The proposal has merit and can be supported on the following basis:

   - It is suitably located at the intersection of two major arterial roads;
   - Adequate landscaping and buffering can be provided to the east and south, adjoining existing residential areas; and,
   - There have been at least one zoning (ZAC-95-02 – 1445 Main Street West) and several Site Plan Control applications recently approved which incorporate a convenience store with a drive-through restaurant as accessory uses to an existing service station.

3. The Regional Environment Department and the Public Works and Traffic Department have expressed concern with respect to the number and location of the stacking spaces on-site for the proposed drive-through restaurant. It was felt that this matter be dealt with prior to finalization of the by-law to avoid further variances to the by-law if the kiosk is relocated. The required side yard setback for service stations adjacent to a residential district is 6 m. The proposal as submitted shows approximately 11.5 m setback from the easterly side yard. In this regard, there appears to be adequate opportunity to maintain the required 6 m yard. A reduction to this yard requirement cannot be supported since the subject lands are adjacent to a residential district. This matter can be dealt with through the Site Plan Control process. Further, given the concern for providing a minimum number of five (5) unobstructed vehicle stacked spaces from the menu board, it is appropriate to include this as a special requirement.

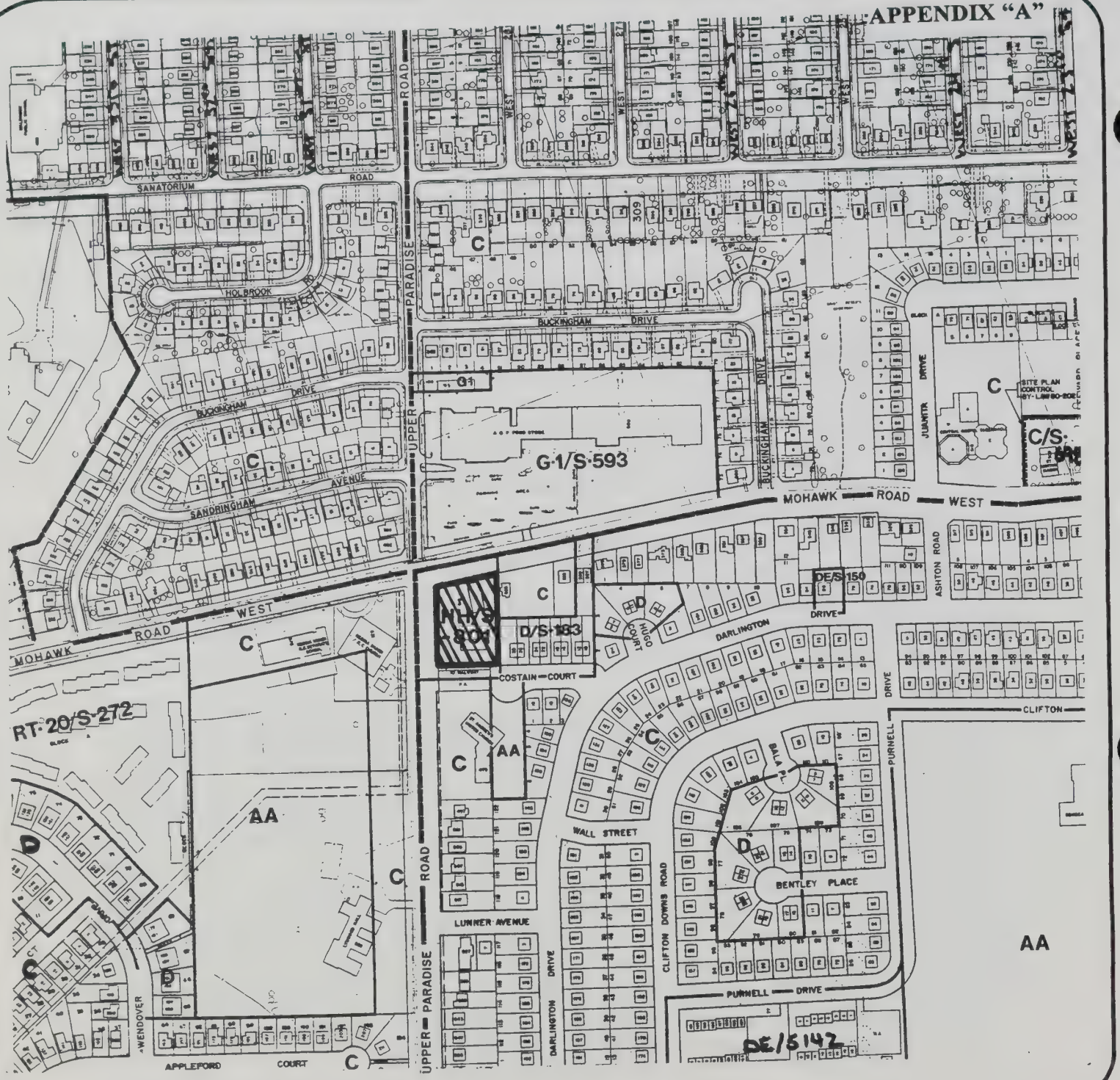
4. The "HH" (Restricted Community Shopping and Commercial) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law Nos. 87-223 and 98-173. Matters related to access, landscaping, grading, fencing, lighting, on-site maneuvering, etc. will be reviewed at the Site Plan approval stage of development.

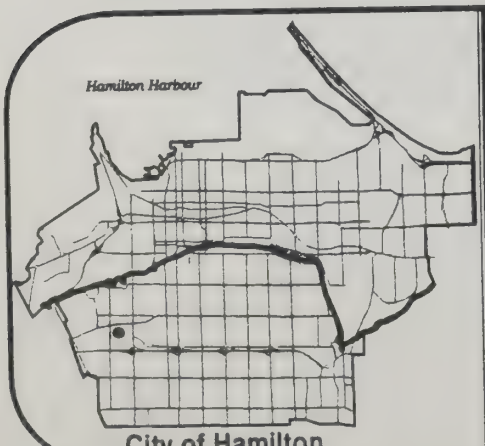
CONCLUSION:

Based on the foregoing, the application can be supported.

CLF/
C:\ZAC98.35

APPENDIX "A"





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

Site of Application

Reference file: ZAC-98-35

Scale: Not to Scale

Date: November, 1998

Technician: B.B

North

PART OF LOT 20
CONCESSION 6
CITY OF HAMILTON
COUNTY OF WENTWORTH
BCA
815 MOHAWK ROAD
UPPER PARADISE
HAMILTON, ONTARIO
SITE PLAN
01
MOHAWK ROAD
UPPER PARADISE ROAD
COSTAIN COURT

CITY OF HAMILTON

3.

- RECOMMENDATION -

DATE: 1998 November 5
(ZAC-98-37)
Landsdale Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Victor J. Abraham
Director of Planning and Development

SUBJECT: Request for a change in zoning – 11 Cheever Street

RECOMMENDATION:

A. That approval be given to **Zoning Application 98–37, Francesco Agostino, prospective owner,** for a change in zoning from "G–3" (Public Parking Lots) District to "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District modified to permit three (3) single family dwellings on the property located at 11 Cheever Street, as shown on the attached map marked as Appendix "A", subject to the following:

i) That the subject lands be rezoned from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District;

ii) The "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special provisions:

(a) That notwithstanding Section 10. (4) (i), for a single family dwelling a width of at least 7.79 m (25.56') and an area of at least 235.60 m^2 (2,536.0 S.F.) shall be provided and maintained;

(b) That notwithstanding Section 18A. (7b), the finished level of the garage floor shall be a minimum of 0.1 m above grade;

iii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Section S - , and the subject lands on Zoning District Map E-12 be notated S - ;

iv) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map E-12, for presentation to City Council;

v) That this proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;

vi) That the subject lands be redesignated on the approved Landsdale Neighbourhood Plan from "Commercial" to "Single and Double Residential" upon finalization of the implementing By-law.

EXPLANATORY NOTE:

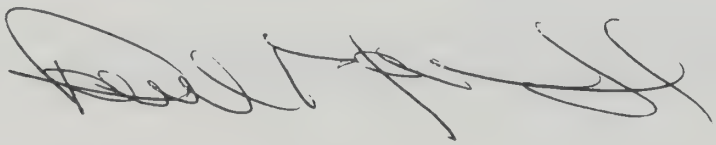
The purpose of the By-law is to provide for a change in zoning from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District modified for lands located at 11 Cheever Street, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the development of three (3) single family dwellings on the lands located at 11 Cheever Street.

In addition, the By-law provides for the following variances:

- To permit a lot width of at least 7.79 m (25.56') and an area of at least 235.60 m^2 (2,536.0 S.F.) for each single family dwelling whereas a lot width of a width of at least 12.0 m (39.37') and an area of at least 360.0 m^2 (3875.13 S.F) is required.

- To permit the finished level of the garage floor to be a minimum of 0.1 m above grade whereas a minimum 0.3 m is required.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law Amendment.

BACKGROUND:

- <u>Proposal</u>

  The applicant proposes to remove the existing parking lot at 11 Cheever Street and create three (3) single family dwellings on lots measuring approximately 7.79 m (25.56') x 30.25 m (99. 24) [See Appendix "B"]. The subsequent land severance application has yet to be filed to create three (3) building lots.

APPLICANT:

Francesco Agostino, prospective owner.

LOT SIZE AND AREA:

Existing Parking Area

- 23.37 (76.67 ft.) of lot frontage on Cheever Street;
- 30.25 m (99.24 ft.) of lot depth; and
- 706.94 m^2 (7609.68 sq. ft.) of lot area

LAND USE AND ZONING:

	EXISTING LAND USE	EXISTINGZONING
SUBJECT LANDS:	Public Parking	"G-3" (Public Parking Lots) District
SURROUNDING LAND:		
to the north, and west	Single Family Dwellings	"D" Urban Protected Residential – One and Two Family Dwellings, etc.) District
to the east	Single Family Dwelling and Commercial	"D" Urban Protected Residential – One and Two Family Dwellings, etc.) District and "H" (Community Shopping and Commercial ,etc.) District
to the south	Commercial and public alley	"H" (Community Shopping and Commercial, etc.) District

OFFICIAL PLAN:

The lands are designated "COMMERCIAL" on Schedule "A" – Land Use Concept to the Official Plan. The following policies should be noted:

"2.2.1 The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule "A as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan, where one exists:

i) Residential uses subject to the following provisions:

(a) access drive and parking will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from neighbouring COMMERCIAL USES are mitigated;

(b) any impacts emanating from adjacent COMMERCIAL USES which will detract from the amenity of the Residential Use will be minimized;

(d) satisfy the provisions of Subsections A.2.1 and C.7.

7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

iv) Support RESIDENTIAL conversion of underutilized commercial space to residential which does not undermine the primary commercial use/function of the neighbourhood, subject to the provisions of Subsection A.2.2;

v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass setbacks, privacy and overview;

vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents;

The proposal will comply with the intent of the Official Plan once the Neighbourhood Plan is amended.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial" on the approved Landsdale Neighbourhood Plan. If approved, a redesignation from "Commercial" to "Single and Double Residential" is required.

RESULTS OF CIRCULARIZATION:

- The following Departments and agencies have no comments:

- Hamilton Region Conservation Authority; and,
- Union Gas.

- The Treasury Department has advised that there are no tax arrears.

- The Regional Environment Department advised that:

"There are public watermains and combined storm and sanitary sewers available to service the subject lands.

The existing road allowance width of Cheever Street is 15.24m which is the minimum width for City of Hamilton streets.

According to our records, the alley adjacent to and to the rear of the subject lands is public assumed.

For the information of the future purchasers and the Building Department, the elevation of the access at the street/property line should be approximately the same as or .15m higher than the centreline elevation of Cheever Street and the height of the required parking space should be a minimum of .10m above the municipal sidewalk elevation with the maximum driveway grade on private property not to exceed 7%.

Any other works which may occur within the Cheever Street road allowance or the public assumed alleys must conform to the City of Hamilton Streets By-law."

- The Regional Environment Department (Planning Section) advised that:

  REGIONAL COMMENTS: The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan.

  PROVINCIAL COMMENTS: The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The application falls within the parameters of the PPS."

- The Department of Public Works and Traffic has advised that:

  "We have no objections to the proposed change in zoning to permit the development of three single family residential dwellings. However, we recommend that any approval of the application include the condition that the elevation of the required parking spaces be .1 m above the existing municipal sidewalk and the slope of the access on private lands not exceed 7%. "

- The Building Department has advised :

  "1. The minimum required lot width is 12.0m and minimum required lot area is 360m^2 for each proposed lot. The part survey submitted is illegible, and appears that the proposal does not conform.

  2. New single family dwellings require a 6.0m front yard, 1.2m side yards and 7.5m rear yards.

  3. No concept plan submitted to determine compliance with yards, setbacks, landscaping, etc.

  4. Subject to a Lot Grading Agreement in the normal manner.

  5. Subject to Land Severance Application in the normal manner."

COMMENTS:

1. The proposal will comply with the Official Plan once the Neighbourhood Plan is amended.

2. The approved Landsdale Neighbourhood Plan designates the subject lands as "Commercial". If approved a redesignation from "Commercial" to "Single and Double Residential" would be required upon finalization of the implementing by-law.

3. The proposal has merit and can be supported for the following reasons:

   - The proposal represents infill housing and is in keeping with established single family dwellings in the area;

   - The proposed lotting is in keeping with the established single family lots in the area (i.e. 7.62 m (25 ft) lot frontages on average); and,

   - The requested zoning is appropriate for the subject development.

4. With respect to the proposed lotting (see Appendix "B"), and the Building Department comments, the following variances are required :

   To permit a lot width of at least 7.79 m (25.56') and an area of at least 235.60 m^2 (2,536.0 S.F.) for each single family dwelling whereas a lot width of at least 12.0 m (39.37') and an area of at least 360.0 m^2 (3875.13 S.F) is required.

   The above-mentioned variance is required to establish the former lotting that is typical of the single family dwellings in the area.

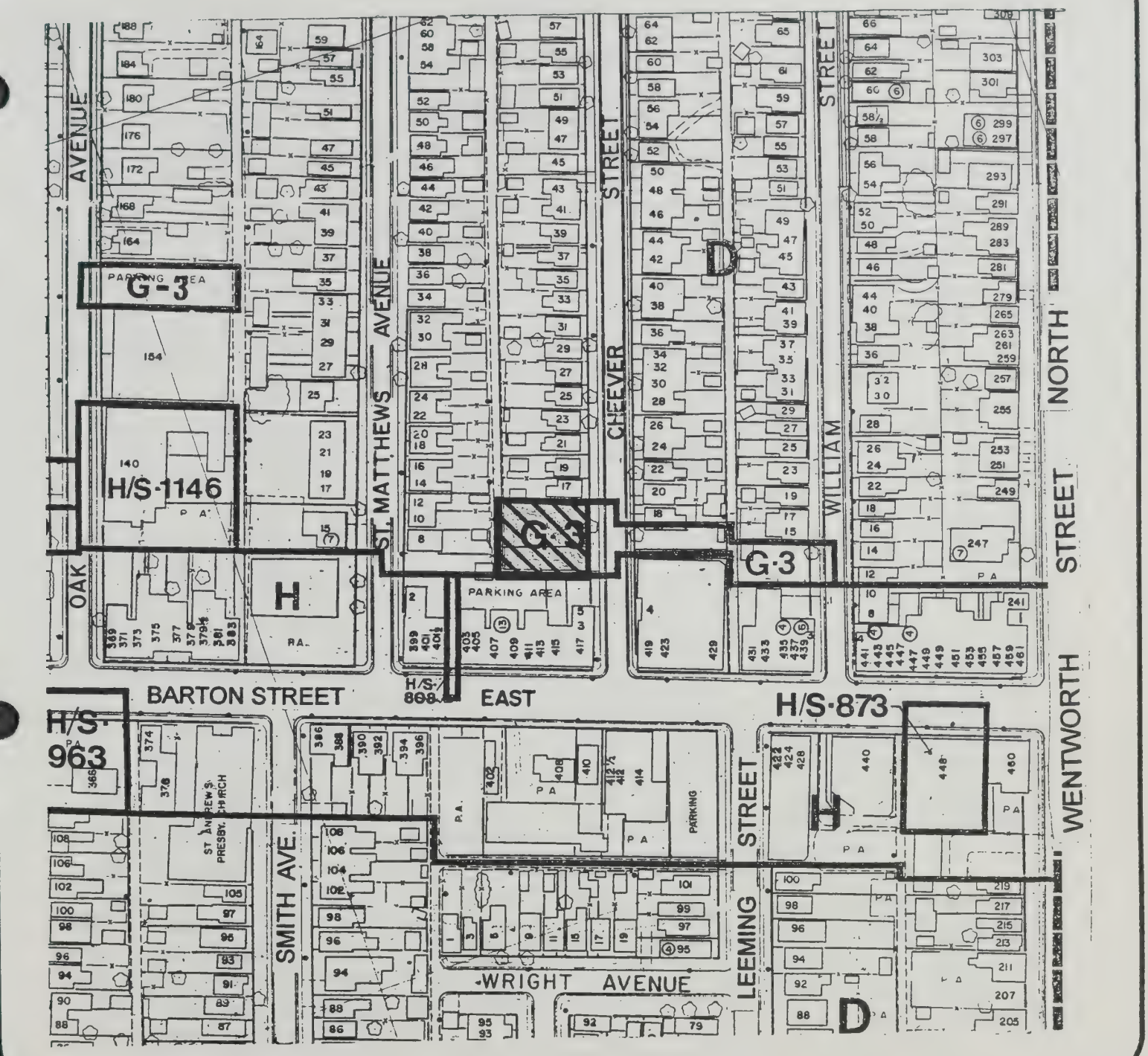
   The Regional Environment Department and the Department of Public Works and Traffic Department have recommended that the elevation of the required parking spaces be a minimum 0.1m above the existing municipal sidewalk and the slope of the access on private lands not exceed 7%. It should be noted that the general provision of Zoning By-law # 6593 [i.e. section 18A (7b)] requires the finished level of the garage floor (i.e. the required parking space) to be a minimum of 0.3 m above grade. This provision may be varied for this situation to allow a lower slope above grade for the finished level of the garage floor (i.e. the required parking space).

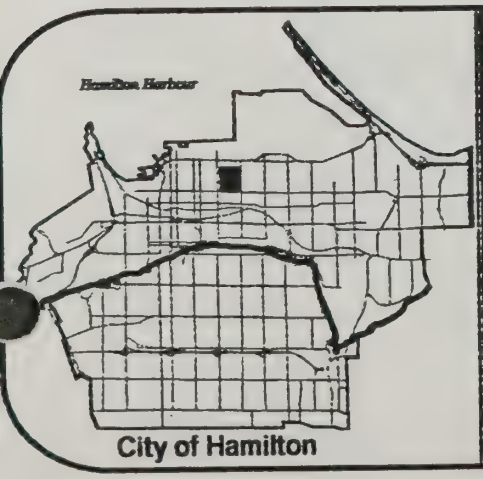
   These variances are considered minor in nature and can be supported.

CONCLUSION:

Based on the foregoing, the proposal can be supported.

JL/jl





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

From "G-3" (Public Parking Lots) District
To: "D" (Urban Protected Residential One or Two Family Dwellings, etc.) District, Modified

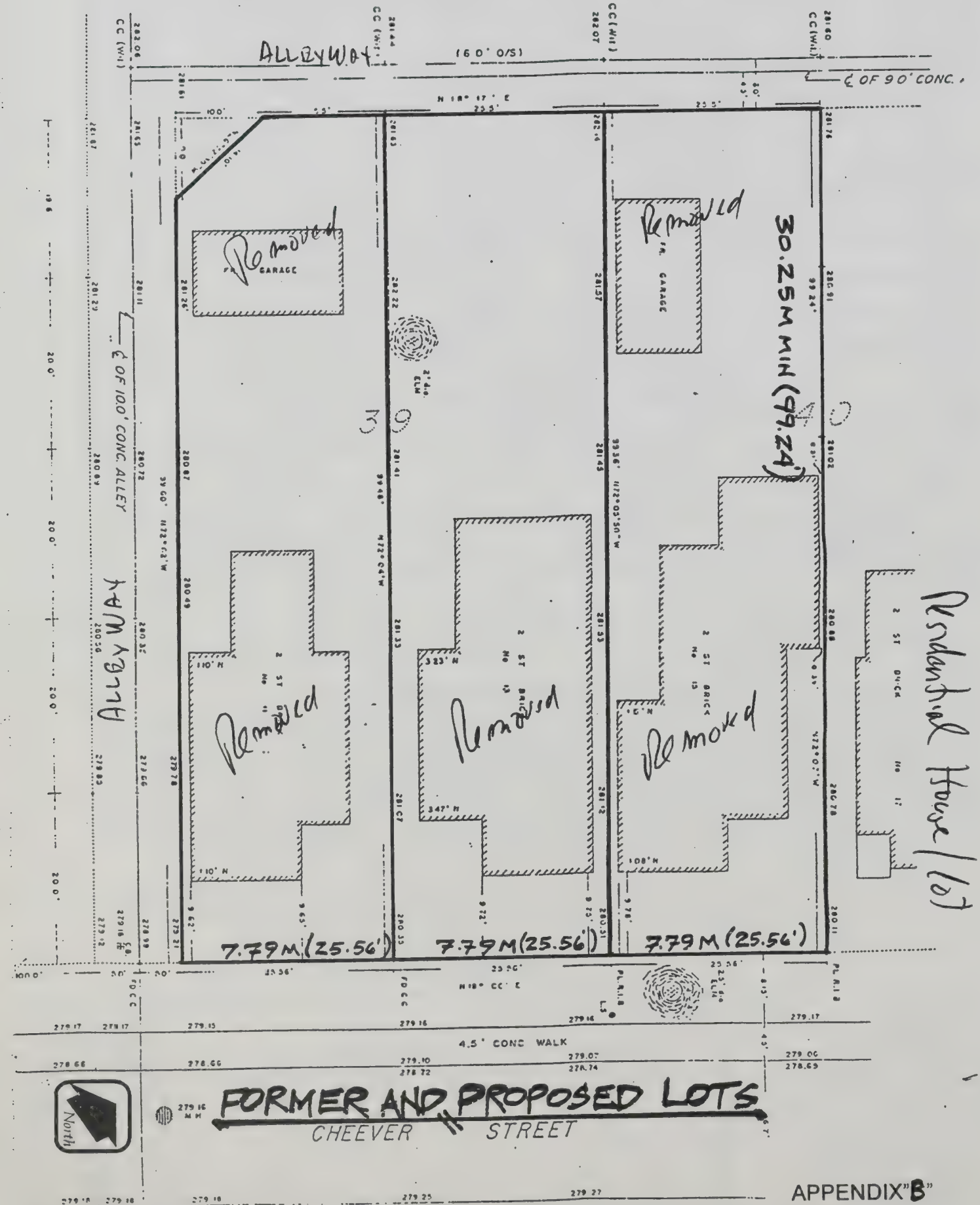
Reference file:	ZAC-98-37
Scale	Not to Scale
Date	October, 1998
Technician:	FAB

North

APPENDIX "A"

#29

TOPOGRAPHIC INFORMATION



4.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 November 5
OP-HAR(M)
CI-98-C

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.R.P
Director Planning and Development Department

SUBJECT: Windermere Basin Study - Official Plan and Zoning By-law Amendments

RECOMMENDATION:

(a) That approval be given to Official Plan Amendment No. (see APPENDIX "A" attached) to redesignate Windermere Basin from "Special Policy Area: Windermere Basin" to "Open Space" and "Open Water" on Schedule 'A' - Land Use Concept of the Official Plan, and delete Policy A.2.9.3.2 and replace it with a new policy. The Director of Planning and Development be directed to prepare the By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,

(b) That approval be given to CI-98-C to rezone Windermere Basin from "L-s" (Planned Development - Special Study) District to "A" - 'H' (Conservation, Open Space and Recreation - Holding) District, modified (Block "1", "2" and "3") to permit the development for open space, recreation and limited tourism related uses, and to "F-2" (Open Water) District (Block "4") to recognize the open water area, for the land area east and west of Windermere Basin, in accordance with the draft by-law (see APPENDIX "B" attached) on the following basis:

(i) That the amending by-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to Block "1", "2" and "3" by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as:

(1) the owner submits a signed Record of Site condition (RSC) to the Region and the Ministry of Environment (MOE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE;

(2) the owner submits an Environmental Impact Statement to the satisfaction of the Commissioner of Regional Environmental Services to evaluate the impacts of the specific proposals on the existing Environmentally Significant Areas and determine impacts of encouraging habitat given present soil and water quality concerns; and,

(3) the owner prepares and submits a stormwater management plan to the satisfaction of the Commissioner of Regional Environmental Services and the Hamilton Region Conservation Authority;

City Council may remove the 'H' symbol, and thereby give effect to the rezoning as stipulated in this By-law, by enactment of an amending by-law once the conditions are fulfilled;

(ii) That Block "1", "2" and "3" be rezoned from "L-s" (Planned Development - Special Study) District to "A" - 'H' (Conservation, Open Space and Recreation - Holding) District;

(iii) That the "A" (Conservation, Open Space and Recreation) District regulation, as contained in Section 7 of Zoning By-law No. 6593, applicable to Block "1", "2" and "3" be modified to include the following variance as a special requirement:

(1) That notwithstanding Section 7(1), the following uses will also be permitted: visitor centre, museum, trail centre, and information centre.

(iv) That Block "4" be rezoned from "L-s" (Planned Development - Special Study) District to "F-2" (Open Water) District;

(v) The amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S- , and that the subject lands on Zoning District Map be notated S- ;

(vi) That the Director of Planning and Development be directed to prepare

a By-law to amend Zoning District Map E-80 for presentation to City Council; and,

(vii) That the proposed changes and modification in zoning will be conformity with the Official Plan for the City of Hamilton upon approval of Official Plan Amendment No. the Regional Municipality of Hamilton-Wentworth.

(c) That Schedule "A" to the Site Plan Control By-law No. 79-275, as amended by By-law No. 87-233, be further amended by adding Blocks "1", "2", "3" and "4", and that the City Solicitor be directed to prepare a Site Plan control By-law for presentation to City Council.

EXPLANATORY NOTE:

The purpose of the Official Plan Amendment is to redesignate the subject lands from "Special Policy Area: Windermere Basin" to "Open Space" and "Open Water" on Schedule 'A' - Land Use Concept, and to delete Policy A.2.3.9.2 and replace it with a new policy.

The purpose of the by-law is to provide for changes in zoning for "L-s" (Planned Development -Special Study) District to "A" - 'H' (Conservation, Open Space and Recreation - Holding) District (Block "1", "2" and "3") and to "F-2" (Open Space) District (Block "4") for lands located north of Burlington Street and west of Eastport Drive, known as Windermere Basin.

The effect of the by-law is to permit development of Block "1", "2" and "3" for open space and related uses and to recognize the open water area of Block "2". In addition, the by-law permits the following additional uses on Blocks "1", "2" and "3": visitor centre, museum, trail centre and information centre.

The amending by-law applies the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to Blocks "1", "2" and "3" by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as:

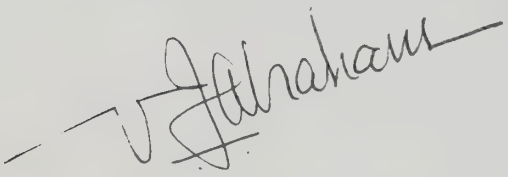
(1) the owner submits a signed Record of Site condition (RSC) to the Region and the Ministry of Environment (MOE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE;

(2) the owner submits an Environmental Impact Statement to the satisfaction of the Commissioner of Regional Environmental Services to evaluate the impacts of the specific proposals on the existing Environmentally Significant

Areas and determine impacts of encouraging habitat given present soil and water quality issues; and,

(3) the owner prepares and submits a stormwater management plan to the satisfaction of the Commissioner of Regional Environmental Services and the Hamilton Region Conservation Authority;

City Council may remove the 'H' symbol, and thereby give effect to the rezoning as stipulated in this By-law, by enactment of an amending by-law once the conditions are fulfilled.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Legal/Financial: Planning staff recommended endorsement of Option 6 ("F-4" modified, Open Space, Heavy Industry) in accordance with the findings of the Windermere Basin Study. The Planning and Development Committee, at their 24 September 1997 meeting, recommended approval of Option 4 (Open Space), and directed staff to prepare the appropriate amendments to the Official Plan and zoning by-law. If Council approves the Official Plan and zoning by-law amendments and an appeal to the Ontario Municipal Board is made, the City will have to retain an outside planning consultant in support of its position. In this regard, the Harbour Commissioners have indicated their opposition to the open space option and therefore may object to the amendments to the Official Plan and zoning by-law.

It should be noted that, in accordance with Section A6 of the Minutes of Settlement between the City and the Hamilton Harbour Commissioners, signed on February 18, 1997, City staff were committed to complete the staff report on Windermere Basin by June 30, 1997 and "Thereafter the Commissioners shall be at liberty to continue the Hearing of this issue before the Board." In this regard, at the request of the Hamilton Harbour Commissioners, a conference call between the City, the Harbour Commissioners and the Ontario Municipal Board, the Board set a hearing in this matter for a 2 week period beginning January 18, 1999.

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for an Official Plan amendment and Zoning By-law Amendment.

BACKGROUND:

Windermere Basin (see APPENDIX "C" attached) is designated "Special Policy Area - Windermere Basin" on Schedule 'A' - Land Use Concept and Special Policy Area 4 on Schedule 'B' - Special Policy Areas of the Official Plan. Policy A.2.9.3.2 states:

> *"The Windermere Basin which is indicated on Schedule "A" and is shown as SPECIAL POLICY AREA 4 on Schedule "B", is established as an area subject to detailed study by the appropriate agencies and water-lot owners concerned in order to determine the most appropriate use of the Basin in the Official Plan. Council will, upon review of the findings and recommendations of such studies as may be carried out, consider an appropriate designation and initiate an amendment to this Plan."*

Windermere Basin is zoned "L-s" (Planned Development - Special Study) District by By-laws 83-240 and 83-232. The "L-s" District requires that this area may be rezoned "to an appropriate district in keeping with the findings of the Special Waterfront Study for the area so designated." The "Special Waterfront Study" referred to in the By-law is the Windermere Basin Study, a copy of which was appended to the 1997 July 2 report to the Committee.

It should be noted that Hamilton Harbour Commissioners, given their Federal mandate, can use their lands for shipping and navigation uses, notwithstanding any City Official Plan designation and zoning by-law. However, the City's planning instruments regulates uses that are other than shipping and navigation.

The Windermere Basin Study was prepared in accordance with Official Plan Policy A.2.9.3.2, noted above. The findings of the Study form the basis for the final recommendations on land use for the area, and will necessitate an amendment to the Official Plan and zoning by-law.

The study addressed relevant background information such as, amongst others:

- the establishment and findings of the Windermere Basin Working Committee;
- planning controls;
- dredging and filling initiative;
- existing land use;
- services;
- identification of issues;
- the Hamilton Harbour Commissioners' jurisdiction;
- six (6) land use options; and,
- public consultation and implementation.

REPORT:

The Planning and Development Committee held a Public Meeting on September 24, 1997 to consider comments on the six land use options for this area presented in the Windermere Basin Study (see Minutes attached as APPENDIX "D"). The Study findings supported Option 6 (see APPENDIX "E" attached).

The Committee heard eight (8) submissions from those in attendance. Seven (7) of these submissions favoured Option 4 - Open Space (see APPENDIX "F" attached). Three (3) submissions were from members of the Working Committee who assisted staff in preparing the report.

The Committee, after considerable discussion, approved the following recommendation:

> *"That Option 4 be endorsed in principal and that staff be directed to prepare the appropriate amendments to the Official Plan and Zoning By-law for further consideration by the Planning and Development Committee at a Public Meeting."*

Subsequently, the Windermere Basin Working Committee met on October 1, 1997 to review the Planning and Development Committee's recommendation of September 24. The Working Committee met again on March 12, 1998, to review the draft technical report, and draft Official Plan and zoning by-law amendments, prior to forwarding to the Planning and Development Committee for consideration at a formal Public Meeting.

DISCUSSION:

The Windermere Basin Study identified a number of positive and negative points regarding Option 4 as follows:

Positive Points
- best opportunity for improvement of aesethic qualities and views
- enhance tourism opportunities with visitor centre, museum, tour boats
- optimizes trail opportunities
- minimizes environmental impacts
- minimizes land use conflicts with residential
- economic benefits from ecotourism

Negative Points
- does not make efficient use of transportation opportunities or Harbour access
- may create land use conflicts with existing industry
- may be encouraging habitat preservation which may be contaminated

In reviewing the input received in support of this option, the following is noted:

Aesthetics & Views
The reclaimed land area of Windermere Basin, comprising 24.4 ha (60.3 acres), is presently vacant. This presents an opportunity to plan from a "greenfields" situation, which, in an urban context, is rare.

The study area is highly visible of this area from the "Skyway Bridge" by thousands of vehicles travelling the QEW everyday. The high visibility offers opportunities to improve the City's overall image given its strategic location as a "gateway" to the City. Development of this area for open space and low intensity cultural/recreational activities will allow for more natural and "softer" landscape treatment. This will contribute to the City's "green image".

Environmental
There are a number of environmental considerations in support of designating and zoning Windermere Basin "open space" including:

- this area has been recognized as an important ecological link between the Red Hill Creek, Hamilton Harbour and Lake Ontario and in this regard, is located between to between Van Wagners' Marsh and Hamilton Harbour which are designated in the Regional Official Plan as Environmentally Significant Areas (ESAs);

- Windermere Basin was included in the Natural Areas Inventory undertaken by the Region in the preparation of their Official Plan;

- the Hamilton Naturalist Club note that Windermere Basin is the last remaining of the original harbour marshes and its rich mudflats support migratory birds; and,

- the common tern colony on the spur dike is the largest, most important colony left on Lake Ontario.

These environmental considerations support the need to protect and enhance the environmental qualities the area which can be most effectively achieved with the open space designation and zoning.

Further, open space uses are, by their nature, less intense than the industrial uses and, will have less impact on the natural environment than industry. Further, there will opportunities to maximize the natural qualities of the area and design it in such a way to minimize impacts and improve the natural environment (terrestrial and aquatic habitat).

Land Use
The Open Space designation and zoning for Windermere Basin will have a number of

advantages from a land use perspective:

- this is the last remaining open space opportunity on the south side of Hamilton Harbour. The central bayfront is intensely developed with heavy industry and, moving west there are the Harbour Commissioners lands developed for industry and marina activities and the City's Harbour West Park on the former Lax property;

- recent preliminary data gathered by the City/Region Brownfields Staff Steering Committee (October 1997) has estimated there is approximately 200 acres of vacant, industrially-zoned lands in Hamilton's lower City, primarily within the Bayfront Industrial area. Approximately half of this area is in small holdings of a hectare or less. These preliminary numbers would seem to indicate that there is an adequate supply of land available in the City zoned for heavy industry.

  Statistics from 1994 data from the Region indicate approximately 3,194 acres (1,293 ha) of land available for industry. This information indicates an adequate supply of lands available for industry in the Region as a whole. It should be noted that there is very little empirical information on supply and demand for industrial land or trends related to supply and demand, therefore this information can only be taken at face value;

- the study area is not adjacent to a dockwall, making them less attractive for shipping and navigation uses;

- the high visibility and accessibility make the area highly attractive from a tourism perspective. In addition, the area has natural and cultural features on which to build a tourist base including:

  - entrance/gateway to City for industry - potential to improve the views and thereby enhance the overall image of the City as a western gateway;
  - Red Hill Creek trail system;
  - proximity to Hamilton Museum of Steam and Technology;
  - direct access to the Harbour for limited recreational and tour boats;
  - proximity to Confederation Park and the Beach Strip;
  - presence of significant bird colonies and opportunities for bird watching

- Windermere Basin is at the centre of a provincial trail system, which includes the Red Hill Creek Trail, which connects the Bruce Trail on the Escarpment to the Lake Ontario Waterfront Trail along the Beach Strip. Linkages could

also be established westerly to connect to Pier 4 and Harbour West Parks; and,

- open space uses will have considerably less impact on the nearby residential uses and will act as a buffer between the heavy industrial uses in the central bayfront and the residential uses along the Beach Strip. In contrast, industrial uses have the potential for negative impacts on air and water quality, noise and visual intrusion.

There is no specific development proposal for this area. In this regard, consideration should be given to: aesthetics, aquatic and terrestrial habitat, active and passive recreation, trails, cultural and tourism opportunities. Future development of this area will have to carefully planned and monitored given the considerable environmental concerns discussed later in the report.

OTHER CONSIDERATIONS:

There are a number of issues raised in the Windermere Basin Study and through public consultation, which should be considered in conjunction with the Official Plan amendment and zoning by-law.

Contaminated Soils

The Regional Public Health Department and the Regional Environment Department (both from a Regional and Provincial perspective) note the potential for site contamination and the need for further study. In this regard, there is merit in placing the land area within a holding zone until such time as a signed Record of Site Condition (RSC) is submitted to the Region and the Ministry of Environment and Energy.

It should be noted that the Ministry of Environment (MOE) advised if the land is used by the Hamilton Harbour Commissioners under their Federal role of operating a harbour, it is subject to Federal jurisdiction. However, "the Ministry of Environment and Energy (MOEE) would agree that, if the intention is not to use the lands for purposes which are related to the operation of the harbour, the EPA [Environmental Protection Act] Section 46 is applicable."

Aquatic and Terrestrial Habitat

The findings of Canadian Wildlife Services show high contaminant levels in Cells 4 and 8 (on the west side) and recommend that these two areas be capped off as soon as possible to prevent further exposure of contaminants to the wildlife using these cells. Option 4 showed Cell 4 as being designated for "Open Water" in the Official Plan and zoned "F-2"

(Open Water) District.

In addition, ESAIEG recognizes the study area as an aquatic and wildlife linkage between Van Wagners' Ponds and the Harbour proper. ESAIEG questions whether habitat should be encouraged in an area known to be contaminated. Based on these comments:

- an Environmental Impact Statement (EIS) should be required prior to development;
- in accordance with the recommendations of the Canadian Wildlife Services, Cells 4 and 8 should be capped off as soon as possible; and
- the Open Space designation in the Official Plan and the "A" (Conservation, Open Space and Recreation) District proposed for Option 4 should be extended to include Cell 4 at north end of the Basin.

Further, ESAIEG expressed concern "whether such habitat should be encouraged in an area considered to be contaminated" and noted that "Once the preferred land use option has been made, there may be merit in undertaking an Environmental Impact Study, to more clearly evaluate the impacts of the specific proposal on the affected ESAs"

The Hamilton Naturalists' Club support the open space option for the entire area because of its' historical place as one of the last remaining of the original Harbour marshes, and its rich mudflats support migratory birds. The most notable being the common tern colony on the spur dike of the south west shore. In this context, they support the need to undertake an EIS.

On this basis, it is appropriate to provide a policy in the Official Plan regarding the need to undertake an Environmental Impact Statement prior to development and include it as a condition of removing the 'H' provision in the zoning by-law.

It should be noted that the Hamilton Harbour Commissioners, given their federal mandate, are not subject to municipal planning requirements providing the lands are used for shipping and navigation purposes.

Water Quality and Stormwater Management Plan

The water quality issues in Windermere Basin are significant however, they go beyond the scope of the Windermere Basin which is land use determination. Water quality in the Basin is directly related to the Red Hill Creek. It has been noted there may be a need to dredge the basin in the future however, it is not know at this time who will undertake the action. It has been suggested that the original five funding partners from the original clean-up should meet to discuss future dredging initiatives

It is recognized that there will be an impact of future uses on water quality (ie. storm water runoff for example). In this regard, the Hamilton Region Conservation Authority (HRCA)

advise a stormwater management plan should be developed for the entire study area to ensure current stormwater quality initiatives are implemented when these lands are developed. Such a requirement is generally placed as a condition of approval of a plan of subdivision. In the context of this study, it could be incorporated as a condition of removal of the holding zone.

Urban Design Guidelines and Site Plan Control

The Windermere Basin Study identified the need to develop urban design guidelines to improve the views of the area and the overall image of the City given the areas' high exposure to traffic along the QEW. Such guidelines would also assist in maintaining and enhancing the open space areas. The Study recommends that parameters to develop these guidelines be incorporated into the Official Plan. It would therefore be appropriate to include such a policy in the Official Plan amendment.

The Hamilton Harbour Commissioners, given their federal mandate, are not required to implement Official Plan policy, providing the lands are used for shipping and navigation purposes.

Open Space and Other Land Uses

The Open Space option suggested additional uses be included in this category such as visitor centre, museum, trail centre, Hamilton Harbour clean-up information centre, amongst others.

"Open Space", as it is defined in the Official Plan includes developed and undeveloped parks, recreation areas, trails, conservation areas, horticultural nurseries, forestry and wildlife management areas, hazard lands and limited ancillary commercial uses. The "A" (Conservation, Open Space and Recreation) District permits conservation uses and trails; golf courses, bowling greens, tennis courts, playgrounds, picnic grounds, etc.; cemetery; mausoleum; and crematorium. Option 4 however, contemplates some additional uses not permitted in the Official Plan or the zoning such as a visitor centre, museum, trail centre, Hamilton Harbour clean-up information centre, amongst others. In this regard, both the Official Plan and zoning by-law will have to have special modifications to permit these uses.

Hamilton Harbour Commissioners

The Hamilton Harbour Commissioners own the land and water area of Windermere Basin. The Commissioners were established by the Hamilton Harbour Commissioners Act, 1912, under which, in conjunction with case law, the Harbour Commissioners have a mandate to use their lands for "shipping and navigation" purposes. Shipping and navigation is a federal responsibility and cannot be regulated by the City. In this regard, the City's Official Plan policies and zoning by-law regulations have no application for shipping and navigation

purposes. No development can be undertaken in this area without the Commissioners co-operation for as long as they own the lands.

SUMMARY:

In recognition of the various issues raised, it is appropriate to adopt an Official Plan amendment, in accordance with Planning and Development Committee direction, which does the following:

- redesignates the subject lands and water area from "Special Policy Area: Windermere Basin" to "Open Space" and "Open Water" on Schedule 'A' - Land Use Concept;

- delete Policy A.2.9.3.2 regarding Special Policy Area 4 and replace with a new policy to recognize the various concerns and direct the appropriate action, including:

  - recognize the potential for site contamination and require a Record of Site Condition (RSC) to be submitted to the Region and the Ministry of Environment prior to any development;

  - undertake an Environmental Impact Statement prior to development to evaluate impacts of specific proposals on the existing Envirnomantally Sensitive Areas and to determine the impacts of encouraging aquatic and/or terrestrial habitat given present soil and water quality concerns;

  - incorporate the following urban design parameters as a basis for future urban design guidelines:

    - Windermere Basin is a special area with wildlife and fish habitats. Accordingly,a minimum 9 m "landscape buffer" should be established around the entire edge of Widnermere Basin to enhance the wildlife and fish habitat and provide the potential for trails. The buffer could enhance views of the area

    - Structures should be designed with architectural interest and be enhanced by landscaping. Buildings should be sited to provide interesting views and, where possible, enhance vistas and focal points

- Street plantings and maintenance will add to the image of the area

- The existing sloped ground surface advertising should utilize plantings, and a combination of hard and soft materials. The design must be of high quality to enhance the City's image; and,

- provide for site specific amendments to the "A" District to permit visitor centre, museum, trail centre and information centre.

On this basis, it is appropriate to pass a zoning by-law amendment, in accordance with the direction of Planning and Development Committee, which does the following:

- rezone the study area from "L-s" (Planned Development - Special Study) District to "A" - 'H' (Conservation, Open space and Recreation - Holding) District and "F-2" (Open Water) District. Removal of the 'H' provision conditional on:

  - submission of a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment;

  - completion of an Environmental Impact Statement to evaluate impacts of specific proposals on existing Environmentally Sensitive Areas and to determine impacts of encouraging aquatic and/or terrestrial habitat given the present soil and water quality concerns;

  - preparation of a stormwater management plan prior to development.

- place lands under Site Plan Control.

CONCLUSION:

Based on the foregoing, an amendment to the Official Plan and zoning by-law can be supported.

windermere basin/opt 4 open space
feb/98

APPENDIX "A"

Amendment No.

to the

DRAFT

City of Hamilton Official Plan

The following text together with Schedule "A" – Land Use Concept, constitutes Official Plan Amendment No. .

Purpose and Location:

The purpose of this Amendment is to redesignate land and water from "Special Policy Area: Windermere Basin" to "Open Space" and "Open Water", for lands and water located west of Eastport Drive, and south of Pier 25, and known as Windermere Basin.

Basis:

The basis for the redesignating the area for open space and open water uses is as follows:

1) the high visibility and accessibility of the subject area provide opportunities to improve the City's image by developing the lands for open space and low intensity cultural/recreational activities which will allow a more natural and "softer" landscape treatment;

2) there are a number of environmental considerations/constraints, which support the need to protect and enhance the environmental qualities of the area;

3) it is the last remaining open space opportunity on the south side of Hamilton Harbour;

4) the preliminary estimates indicate there is an adequate supply of land available in the City for heavy industry;

5) the area has no dockwall, therefore it is less attractive for shipping and navigation uses;

6) the location is central to a Provincial trail system including the Red Hill Creek Trail, Bruce Trail and Lake Ontario Waterfront Trail;

7) the open space uses will have less impact on nearby residential uses and will act as a buffer between the heavy industrial uses in the central bayfront and the residential uses to the north and south; and,

8) the Basin is the mouth of the Red Hill Creek and provides an area to collect sediments from the up stream flow of the Creek.

DRAFT

Actual Changes:

1. Schedule "A" - Land Use Concept of the Official Plan be revised by:
   (a) redesignating the subject area from "Special Policy Area: Windermere Basin" to "Open Space" and "Open Water"; and,
   (b) deleting "Special Policy Area: Windermere Basin" from the legend.

2. Delete Policy A.2.9.3.2 and replace with the following:

"A.2.9.3.2 The following policies apply to the area designated as "Open Space" and "Open Water" on Schedule "A", and shown on Schedule "B" as SPECIAL POLICY AREA 4:

i) In addition to the permitted uses set out in Subsection A.2.4 - Open Space Uses, a visitor centre, museum, trail centre and information centre uses will also be permitted;

ii) It is recognized there is the potential for site contamination on the lands designated "Open Space" and accordingly, a Record of Site Condition will be required to be submitted to the Region and the Province prior to approval of any development;

iii) An Environmental Impact Statement will be required prior to any development to evaluate the impacts of the proposal on the existing Environmentally Significant Areas and determine the impacts of encouraging habitat given present soil and water quality concerns; and,

iv) Urban design guidelines for the area will be prepared based on the following basic principles:

a) Windermere Basin is a special area with wildlife and fish habitats. Accordingly, a minimum 9 m "landscape buffer" should be established around the entire edge Windermere Basin to enhance the wildlife and fish habitat and provide the potential for trails. The buffer could enhance the views of the area.

b) Structures should be designed with architectural interest and be enhanced by landscaping. Buildings should be sited to provide interesting views and, where possible, enhance vistas and focal points.

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c) Street plantings and maintenance will add to the image of the area.

d) The existing sloped ground surface advertising should utilise plantings, and combination of hard and soft materials. The design must be of high quality to enhance the City's image.

Implementation:

A Zoning By-law Amendment will give effect to the intended use of the subject lands.

This is Schedule "1" to By-law No. 98- , passed on the day of , 1998.

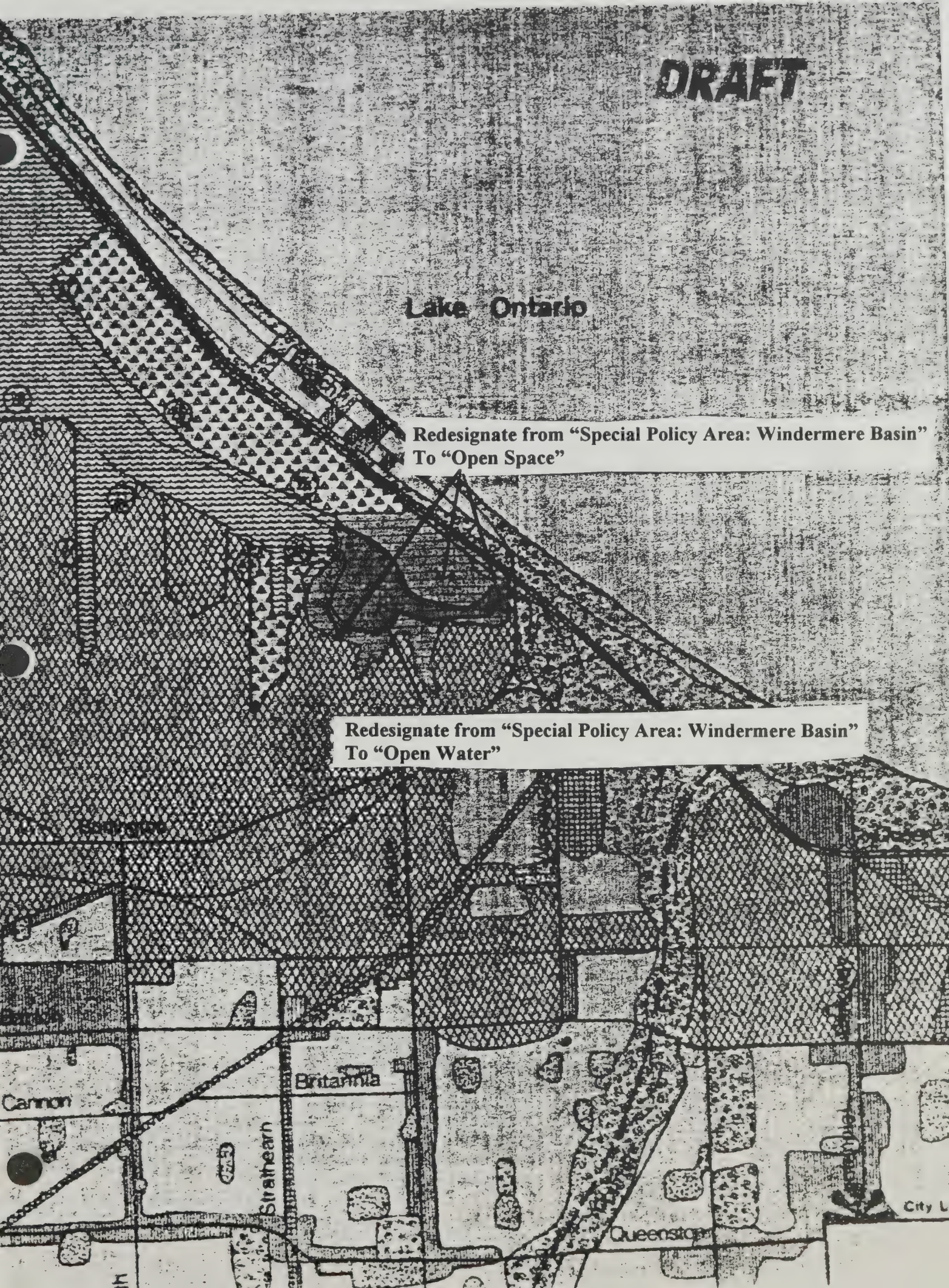
The Corporation of the

City of Hamilton

City Clerk

Mayor

S:\COH_CPL_\CAROLINE\WINBAS.OPA


DRAFT
Lake Ontario
Redesignate from "Special Policy Area: Windermere Basin"
To "Open Space"
Redesignate from "Special Policy Area: Windermere Basin"
To "Open Water"
Britannia
Cannon
Strathearn
Queenston

DRAFT

APPENDIX "B"

Bill No. C-

The Corporation of the City of Hamilton

BY-LAW NO. 98-

To Amend:

Zoning By-law No. 6593

Respecting:

LANDS LOCATED WEST OF EASTPORT DRIVE, SOUTH OF PIER 25 KNOW AS WINDERMERE BASIN

WHEREAS it is intended to change the zoning of the lands hereinafter referred to by amending By-law No. 6593, passed on the 25th day of July 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982, as amended by Official Plan Amendment No. , proposed by the Council of The Corporation of the City of Hamilton but not yet approved by The Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 4, 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheet No. H-1 of the District Maps, appended to and forming part of By-law No. 6593, is amended:

   (a) by changing from "L-s" (Planned Development - Special Study) District to "A" - 'H' (Conservation, Open Space and Recreation - Holding) District, the land comprised in Blocks "1", "2" and "3"; and,

   (b) by changing from "L-s" (Planned Development - Special Study) District to "F-2" (Open Water) District, the land comprised in Block "4";

the extent and boundaries of each of which Blocks 1, 2, 3 and 4 are shown on a plan hereto annexed as Schedule "A".

2. (a) The 'H' symbol applicable to the land referred to in section 1(a) shall be removed conditional on:

   (1) the owner submitting a signed Record of Site Condition (RSC) to the Region of Hamilton-Wentworth and the Ontario Ministry of Environment (MOE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE;

   (2) the owner submiting an Environmental Impact Statement (EIS) to the satisfaction of the Commissioner of Regional Environmental Services to evaluate the impacts of the specific proposals on the existing Environmentally Significant Areas (ESAs) and determine impacts of encouraging habitat given present soil and water quality concerns; and,

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(3) the owner preparing and submiting a stormwater management plan to the satisfaction of the Commissioner of Regional Environmental Services and the Hamilton Region Conservation Authority;

(b) The 'H' symbol shall be removed by amendment to this by-law and the development of the lands referred to in section 1(a) may at such time proceed in accordance with the "A" District provisions;

3. That the "A" (Conservation, Open Space and Recreation) District provisions, as contained in Section 7 of Zoning By-law No. 6593, applicable to the land comprised in Blocks "1", "2" and "3", are amended to the extent only of the special requirement that,

(a) That notwithstanding Section 7(1), the following uses will also be permitted: visitor centre, museum, trail centre, and information centre,

4. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "A" and "F-2" Districts, subject to the special requirements referred to in section 3.

5. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S- .

6. Sheet No. H-1 of the District Maps is amended by marking the lands referred to in section 3 of this by-law, S- .

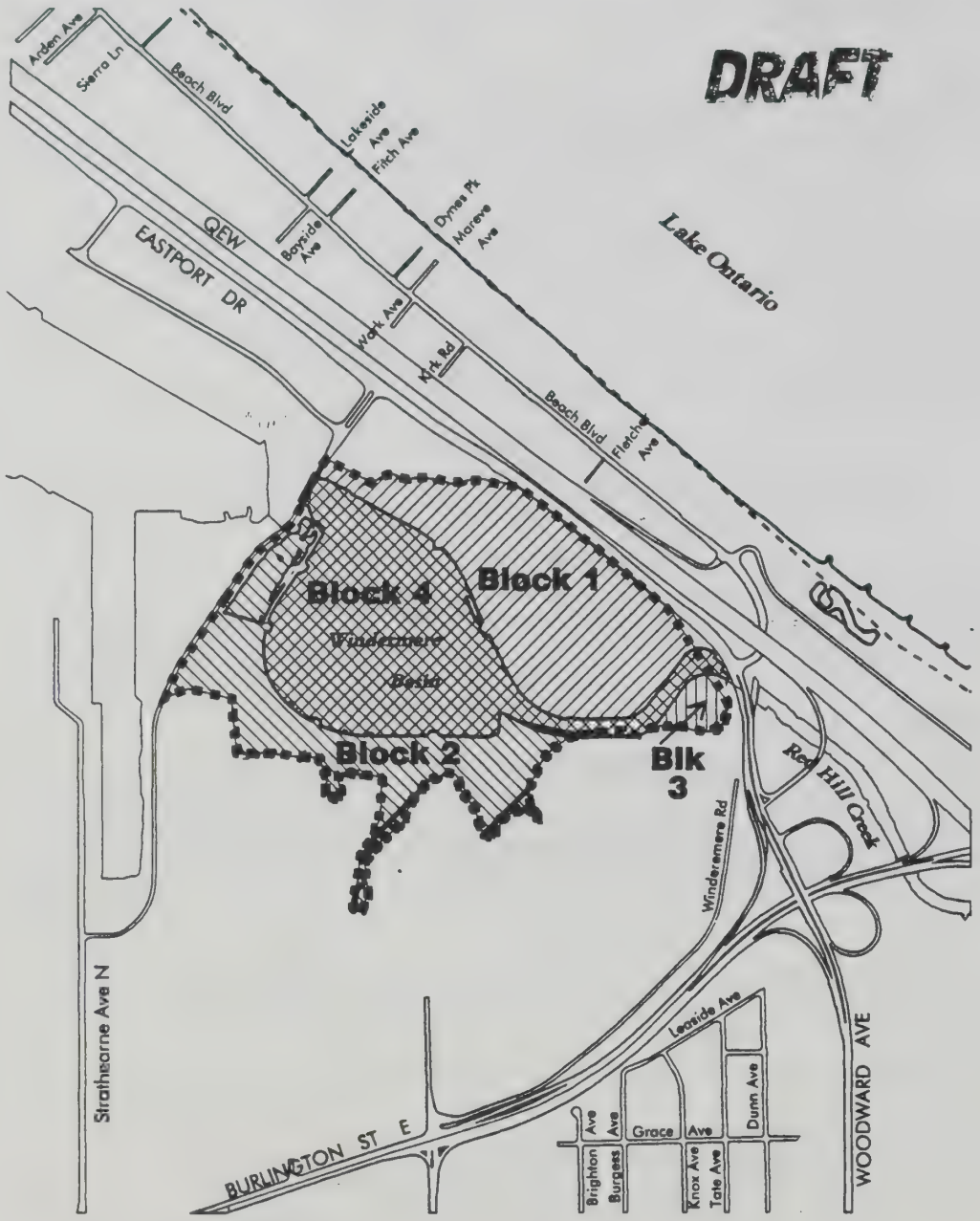
7. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED this day A.D. 1998.

CITY CLERK MAYOR

(1998) R.P.D.C. ,
CI-98-C

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This is Schedule "A" to By–Law No. 98–.....
Passed the ..... day of ....., 1998.

Clerk

Mayor

City of Hamilton

Schedule "A"

Map Forming Part of By–Law No. 98–____

to Amend By–Law No. 6593

Planning and Development Department

Legend

Blocks

1 — Change in Zoning from:

2 — "L–s" (Planned Development – Special Study) District to "A" 'H' (Conservation, Open Space and Recreation – Holding) District.

3

Block 4 — "L–s" (Planned Development – Special Study) Distnct to "F–2" (Open Water) District.

North	Scale	Reference File No.
	NOT TO SCALE	CI–98–C
	Date	**Drawn By**
	October 1998	B. B.


General Location of
CI-98-C
Site of Application
LAKE ONTARIO
HAMILTON HARBOUR
Cootes Paradise
QEW
Beach Blvd
403
Burlington St
Industrial Drive
Barton St W
Barton St E
York Blvd
King St W
King St E
Main St W
Main St E
Cannon St East
Britannia
Queenston Rd
Aberdeen Ave
Dundurn St
Queen St
Bay St
James St
John St
Wellington St N
Wentworth St N
Sherman Ave N
Gage Ave N
Ottawa St N
Kenilworth Ave N
Parkdale Ave N
Woodward Ave
Centennial Pkwy N
Nash Rd
Lake Ave
Grays Rd
Cootes Dr
Whitney
Concession
Fennell Ave W
Fennell Ave E
Greenhill
Quigley Rd
Mount Albion Rd
Garth St
West 5th St
Upper James St
Upper Wellington St
Upper Wentworth St
Upper Sherman Ave
Upper Gage Ave
Upper Ottawa Ave
Kenilworth Ave
Rice St
Sanatorium Rd.
Mohawk Rd W
Mohawk Rd E
Limeridge Rd W
Limeridge Rd E
LINC
Upper Paradise
Stone Church Rd W
Stone Church Rd E
Rymal Rd W
Rymal Rd E
Pritchard
North
City of Hamilton
DESIGNED AND PRODUCED BY THE CITY OF HAMILTON
THE PLANNING AND DEVELOPMENT DEPARTMENT,
TECHNICAL AND CARTOGRAPHIC SECTION

APPENDIX "C"

APPENDIX "D"

Wednesday, 1997 September 24
7:30 o'clock p.m.
Council Chambers, City Hall

The Planning and Development Committee met in Special Session

There were present:	Alderman D. Drury, Chairman Alderman F. D'Amico, Vice-Chairman Mayor R. M. Morrow Alderman F. Eisenberger Alderman M. Caplan Alderman G. Copps
Regrets	Alderman Wm. McCulloch, City Business Alderman B. Charters, City Business Alderman H. Merling, City Business
Also Present:	Alderman C. Collins Bill Janssen, Planning and Development Department Caroline Floroff, Planning and Development Department Joanne Hickey-Evans, Planning and Development Department Art Zudima, Law Department Kevin C. Christenson, Acting Secretary

PUBLIC MEETING - 7:30 O'CLOCK P.M.

1. **Windermere Basin Study**

The Committee was in receipt of a report dated 1997 September 17 from the Director of Planning and Development and the Chief Administrative Officer respecting the subject matter.

The Chairman welcomed those present and introduced the members of the Planning and Development Committee, City Council and staff.

Caroline Floroff reviewed the report in detail and the Chairman subsequently opened the floor to presentations from the public.

Presentations from the floor were as follows;

(a) **John Olmstead - Hamilton Naturalists Club**

Opposed to recommendation of Option #6.
He suggested that there is sufficient industrial land available without the use of this property.
Options 1 to 5 have good and bad points however Option #4 is the most desirable.

(b) **Mr. Elliot - Beach Strip Resident**

Opposed to recommendation of Option #6.
Suggested that the Hamilton Harbour Commission should be required to clean up the Windermere basin.
Supports only Option #4.

(c) Brian McCaddy - Hamilton Naturalists Club

Indicated that the Naturalists Club was part of the review team and indicated that Option #6 was not appropriate for this site. He stated that the Windermere Basin was a gateway to Hamilton and that the Hamilton Naturalists Club agree that Option #4 is the only acceptable option.
He added that the existing contaminants present in certain cells should be contained as soon as possible.

(d) **Burk Ausen - Community Action for the North-End East Neighbourhood**

Supports Option #4. No further industrial land use required or tolerable.

(e) **Brian Lane**

Indicated that there was a lack of green space in the area and that option #4 was preferred as it would help make a good impression on motorists entering the City from along the QEW.

(f) **James Howlett - Hamilton Beach Strip Community**

Noted that there were no representatives from the industrial agencies present at the meeting. Indicated that the Beach Strip Community only supports Option #4.

(g) **Peter Uremko - Area Resident**

Indicated that there were other areas of industrial land available elsewhere and that this area should be restored to its former beauty.
He stated that Option #4 would allow this to happen.

(h) **Louise Knox - R.R.A.P.**

Indicated that significant progress had been made in allowing public access to the harbour shoreline through the efforts of R.R.A.P.

She stated that R.R.A.P. was concerned with the contaminated cells in the area of the Windermere basin.

Alderman Drury thanked those who made presentations and discussion ensued on the options presented in the report.

Following considerable discussion, the Committee approved the following recommendation:

That Option 4 be endorsed in principal and that staff be directed to prepare the appropriate amendments to the Official Plan and Zoning By-law for further consideration by the Planning and Development Committee at a Public Meeting.

2. ADJOURNMENT

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN D. DRURY, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Kevin C. Christenson
Acting Secretary

1997 September 24

/mjw

Option 6 - "F-4" modified (east side), Open Space, Heavy Industry (west side), "L-s" (Planned Development - Special Study) for Cells 4,5,8

OP Designation - east and west side "Industrial"
- water area "Open Water"
- "buffer" and "nodes" around the perimeter of the water area and on both side at the mouth of the Red Hill Creek - "Open Space"

- policies (1) contaminated site and future development will have to be in accordance with Section 45 EPA if developed by/for any other use than shipping and navigation by the Hamilton Harbour Commissioners (2) parameters for urban design guidelines

Zoning - east side - **ALTERNATIVE 1** - "F-4" (Waterfront Services) District modified (as per Minutes of Settlement signed by the City and the HHC - consistent with the City's official position for Piers 25 to 27

- ALTERNATIVE 2 - as ALTERNATIVE 1 except uses on Table 1 (APPENDIX "D") to be deleted as permitted uses. This Alternative removes a number of the "F-4"District modified uses in Alternative 1 which staff consider a having potential negative impacts on the adjacent residential uses.

- "buffer" - perimeter of water area (east and west sides)
- "A" (Conservation, Open Space, Park and Recreation) District - width to be determined by landowners and recognized experts

- west side - "K" (Heavy Industry, etc.) District except areas known as Cells 4, 5 and 8. These will remain zoned "L-s" until there is appropriate scientific evidence demonstrating the location, health and/or viability of wildlife habitat. Such evidence will include soil testing in these areas. The City will undertake to rezone these areas, depending on the outcome of the evidence, to "K" or "A". It should be noted that Environment Canada is undertaking soil tests in these areas at the time of writing. On this basis, the location, viability and/or health of wildlife habitat may be known prior to a final decision being made on land use for the study area.

Option 4

OP Designation - east and west sides "Open Space"
- water area "Open Water"

Zoning - east and west sides "A" (Conservation, Open Space and Recreation) District
- water area "F-2" (Open Water) District

Positive Points
- best opportunity for improvement of aesethic qualities and views
- enhance tourism opportunities with visitor centre, museum, tour boats
- optimizes trail opportunities
- minimizes environmental impacts
- minimizes land use conflicts with residential
- economic benefits from ecotourism

Negative Points
- does not make efficient use of transportation opportunities or Harbour access
- may create land use conflicts with existing industry
- may be encouraging habitat preservation which may be contaminated

4a)

605 James St. N.
Hamilton, Ontario, Canada
L8L 1K1

Phone Numbers
Hamilton 905-525-4330
Inwats 1-800-263-2131

Fax Numbers
Administration 905-528-6282
General Office 905-528-6554

The Hamilton Harbour Commissioners

By Fax and Regular Mail

November 4, 1998

Secretary
Planning and Development Department
Corporation of the City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

SUBJECT: **PROPOSED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS**
WINDERMERE BASIN

This is in response to the public meeting notice in the Hamilton Spectator on October 30, 1998.

The Hamilton Harbour Commissioners are on record – throughout the Windermere Basin Working Committee and by correspondence to the City – that the Open Space option (Option 4) currently being considered by the Planning and Development Committee is unsatisfactory to the Commissioners. The Commissioners, like most other stakeholders on the Committee, endorsed the "Preferred Option" as developed by City Planning Staff in the Windermere Basin Study dated June 1997, as a good compromise.

The Commissioners, however have the following provisos with respect to the Preferred Option:

(a) that the Alternative 1 "sub-option" be supported; and,
(b) that the holding provisions should not be included in the zoning by-law for the site.

Please keep us informed of any action that the Committee or Council may take on these matters and kindly forward a copy of the Minutes of the Public Meeting when available.

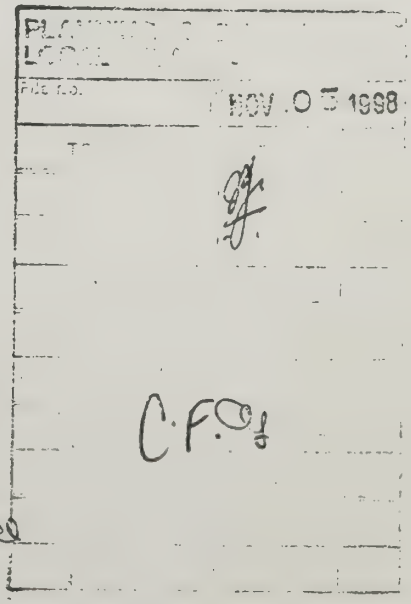
Thank you for your assistance.

Yours very truly,

THE HAMILTON HARBOUR COMMISSIONERS

J. Brookfield, MCIP, RPP
Port Planner

t:1156



cc Tina Agnello, Secretary
Planning and Development Committee

Art Zuidema
Law Dept.

6.

1998 November 4

Brian Hinkley, Commissioner
Hamilton Harbour Commission
605 James Street North
Hamilton ON L8L 1K1

Dear Mr. Hinkley:

Re: Attendance at a Planning and Development Meeting to Discuss Harbour Matters

The Planning and Development Committee, at its meeting of 1998 October 21, requested that the City's appointee on the Hamilton Harbour Commission be invited to attend a meeting of the Planning and Development Committee to discuss harbour matters.

Further to our telephone conversation, this is to confirm that you will attend the next meeting of the Planning and Development Committee to be held on 1998 November 18 at 9:30 a.m. in room 233 City Hall.

We look forward to seeing you.

Thank you

TA.

Tina Agnello
Secretary
Planning and Development Committee

Cc: Victor Abraham, Director of Planning and Development
Art Zuidema, Law Office

Office of the Municipal Clerk

MEMORANDUM

7.

TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: J. J. Schatz
Municipal Clerk
Office of the Municipal Clerk

PHONE: (905) 546-2727

DATE: 1998 November 11

SUBJECT: Official Plan Amendment 156 and
ZA-98-25 for property at
227-229 Maplewood Avenue

City Council at its meeting of 1998 November 10 referred back section 1 of the 19th report of the Planning and Development Committee as follows:

1. (a) That approval be given to Official Plan Amendment No.156 to establish a Special Policy Area to permit a parking lot only in conjunction with lands located at 190 Gage Avenue South, on lands known municipally as 227-229 Maplewood Avenue, as shown on the attached map marked as Appendix "A", and the City Solicitor be directed to prepare a By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,

(b) That approval be given to amended Zoning Application 98–25, Taras Shevchenko Home for the Aged, owner, for a change in zoning from "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to "G – 3" (Public Parking Lots) District, modified to permit a parking lot on the property located at 227–229 Maplewood Avenue, as shown on the attached maps marked as Appendices "A" and "B", subject to the following:

(i) That the subject lands be rezoned from "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to "G-3" (Public Parking Lots) District; and,

(ii) The "G-3" (Public Parking Lots) District regulations, as contained in Section 13C of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special provisions:

(1) That the subject lands be used only in conjunction with 190 Gage Avenue South; and;

(2) That notwithstanding Section 13C. (4) (ii), a planting strip of not less than 1.5 m in width shall be provided and maintained along the northerly and easterly lot lines, except for any area used for driveway access; and,

(3) That Section 13C. (2), shall not apply; and,

(4) That Section 13C. 4 (ii), shall not apply to the westerly lot line; and,

(5) That Section 13C. 4 (iii), shall not apply to the northerly and easterly lot lines; and,

(6) That notwithstanding Section 18A. (26) of Zoning By-law No. 6593, the access driveway shall be within 3.0 m of a residential district; and,

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S -1417, and the subject lands on Zoning District Map E-34 be notated S –1417; and,

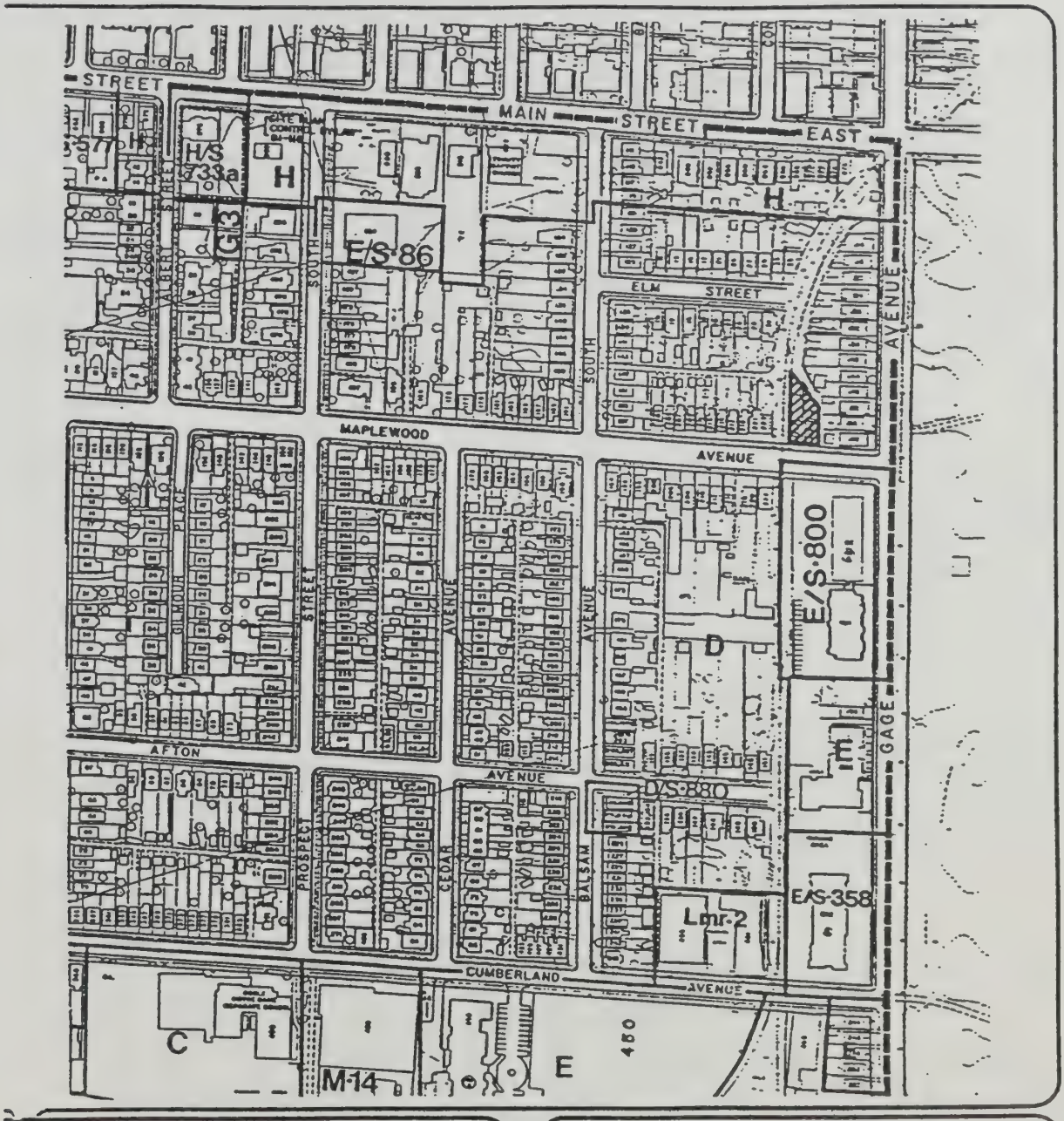
(iv) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map E-34, for presentation to City Council; and,

(v) That this proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No.156 by the Regional Municipality of Hamilton-Wentworth;

(vi) That the subject lands be redesignated on the Approved Blakeley Neighbourhood Plan from "Single and Double Residential" to "Commercial" upon finalization of the implementing By-law.

cc. Victor Abraham, Director of Planning and Development

Appendix "A" referred to in Section 1 of the **NINETEENTH** Report of the Planning and Development Committee for 1998



Legend

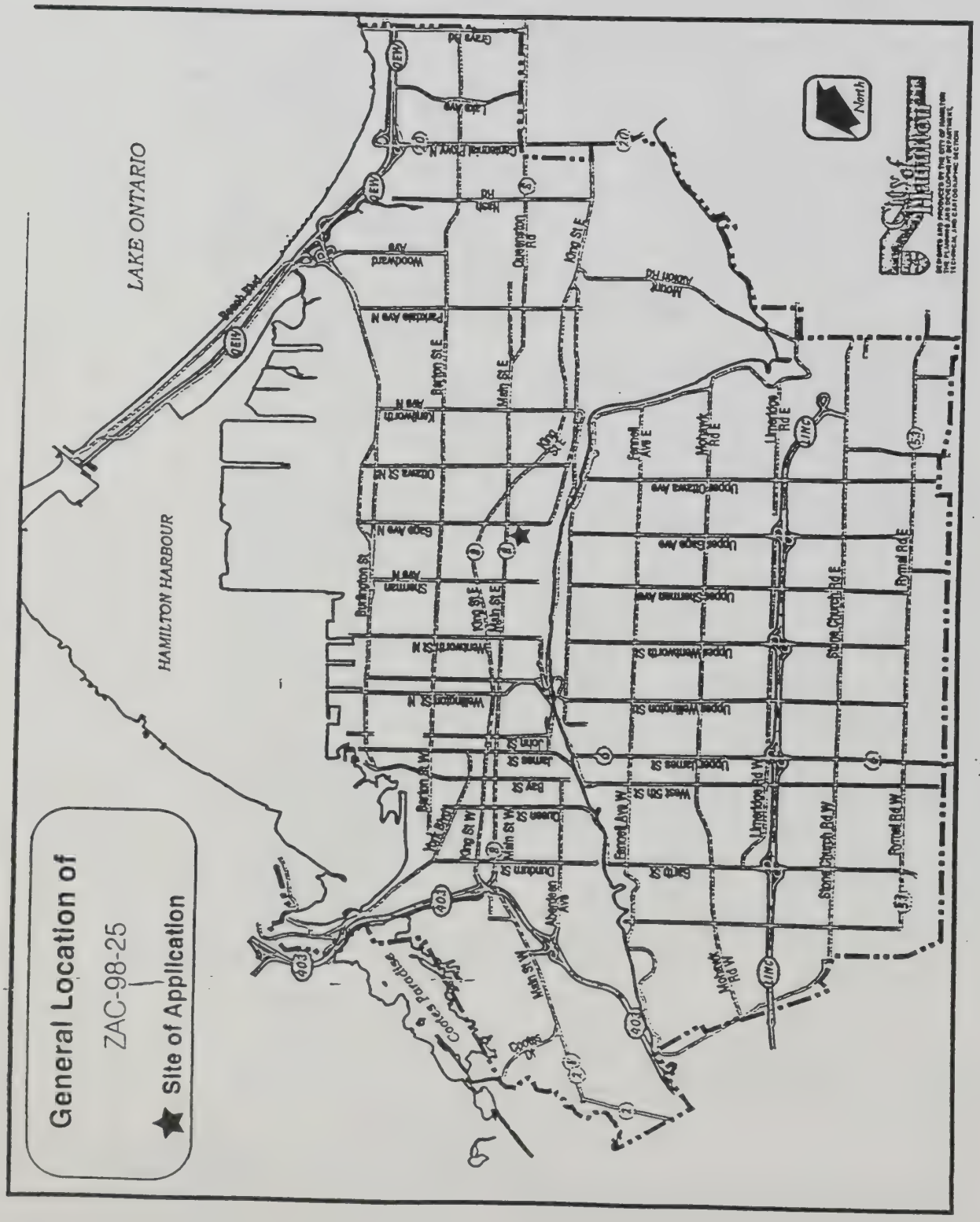
Site of the Application

City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File number
	NOT TO SCALE	ZAC-98-25
	Date	Drawn By
	June 1998	F.A.


LAKE ONTARIO
HAMILTON HARBOUR
General Location of
ZAC-98-25
Site of Application
North

CITY OF HAMILTON

1.

- RECOMMENDATION -

DATE: 1998 October 22
(ZAC-98-25)
Blakeley Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Victor J. Abraham
Director of Planning and Development

SUBJECT: Request for an Official Plan Amendment and change in zoning – 227 – 229 Maplewood Avenue

RECOMMENDATION:

A. That approval be given to Official Plan Amendment No. to establish a Special Policy Area to permit a parking lot only in conjunction with lands located at 190 Gage Avenue South, on lands known municipally as 227-229 Maplewood Avenue, as shown on the attached map marked as Appendix "A", and the City Solicitor be directed to prepare a By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,

B. That approval be given to amended Zoning Application 98–25, Tara Shevchenko Home for the Aged, owner, for a change in zoning from "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to "G – 3" (Public Parking Lots) District, modified to permit a parking lot on the property located at 227–229 Maplewood Avenue, as shown on the attached maps marked as Appendices "A" and "B", subject to the following:

   i) That the subject lands be rezoned from "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to "G-3" (Public Parking Lots) District;

   ii) The "G-3" (Public Parking Lots) District regulations, as contained in Section 13C of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special provisions:

      (a) That the subject lands be used only in conjunction with 190 Gage Avenue South; and;

      (b) That notwithstanding Section 13C. (4) (ii), a planting strip of not less than 1.5 m in width shall be provided and maintained along the northerly and easterly lot lines, except for any area used for driveway access;

      (c) That Section 13C. (2), shall not apply;

(d) That Section 13C. 4 (ii), shall not apply to the westerly lot line;

(e) That Section 13C. 4 (iii), shall not apply to the northerly and easterly lot lines;

(f) That notwithstanding Section 18A. (26) of Zoning By-law No. 6593, the access driveway shall be within 3.0 m of a residential district;

iii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Section S - , and the subject lands on Zoning District Map E-34 be notated S - ;

iv) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map E-34, for presentation to City Council;

v) That this proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth;

vi) That the subject lands be redesignated on the Approved Blakeley Neighbourhood Plan from "Single and Double Residential" to "Commercial" upon finalization of the implementing By-law.

EXPLANATORY NOTE:

An Official Plan Amendment is required to establish a Special Policy Area to permit a parking lot only in conjunction with lands located 190 Gage Avenue South.

The purpose of the By-law is to provide for a change in zoning from "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to "G-3" (Public Parking Lots) District for lands located at 227 and 229 Maplewood Avenue as shown on the attached maps marked as APPENDIX "A" and "B".

The effect of the By-law is to permit a parking lot only in conjunction with lands located at 190 Gage Avenue South.

In addition, the By-law provides for the following variances:

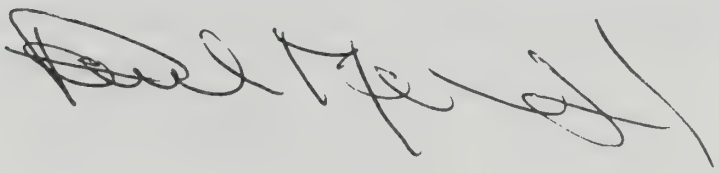
- To permit the parking lot to be further than 60.0 m from the nearst boundary of a commercial or industrial district;

- Requires a planting strip of not less than 1.5 m wide along the northerly and easterly lot lines, except for any area used for driveway access;

- Eliminates the requirement for a minimum 1.5 m wide planting strip along the westerly lot line next to the railway lines;

- Eliminates the required 1.2 m to 2.0 m high visual barrier along the northerly and easterly lot lines next to the existing alleyway; and,

- Permits any access driveway to be within 3.0 m of a residential district.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for an Official Plan Amendment and for a Zoning By-law Amendment.

BACKGROUND:

- Proposal

The applicant proposes to demolish the two (2) existing houses at 227 and 229 Maplewood to construct a parking lot for approximately 15 cars to be used only in conjunction with the seniors apartment building at 190 Gage Avenue South (See Appendix "C"). It should be noted that this is additional parking and not "required parking spaces" for the development at 190 Gage Avenue South.

APPLICANT:

Tara Shevchenko Home for the Aged, owner.

LOT SIZE AND AREA:

- 15.776 m (51 ft.) of lot frontage on Maplewood Avenue;
- 44.86 m (147.1 ft.) of lot depth; and
- 552.86 m^2 (5951.13 sq. ft.) of lot area

LAND USE AND ZONING:

	EXISTING LAND USE	EXISTINGZONING
SUBJECT LANDS:	Single Family Dwellings	"D"(Urban Protected Residential – One and Two Family

		Dwellings etc.) District

SURROUNDING LAND:

to the north, east west	Single Family Dwellings	"D" Urban Protected and Residential – One and Two Family Dwellings, etc.) District
to the south	Multiple Dwellings	"E" (Multiple Dwellings) District, modified

OFFICIAL PLAN:

The lands are designated "RESIDENTIAL" on Schedule "A" – Land Use Concept to the Official Plan. The following policies should be noted:

"2.1.1 The primary uses permitted in the areas designated on Schedule "A" as Residential will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and serving the needs of local residents will be permitted, including, but not limited to:

iv) Limited individual or groups of commercial uses on sites not exceeding 0.4 hectares in area, excluding Automobile Service Stations, in accordance with the Commercial policies as set out in Subsection A.2.2. of this Plan."

In addition the following policies of Subsection B.3.3 – "Public and Private Parking" should be noted :

"3.3.3 Council will discourage, where appropriate, the provision of on-street PARKING on Arterial Roads to facilitate the free flow of traffic movement and, accordingly, will encourage replacement with sufficient off-street and/or on-site PARKING facilities.

3.3.4 Council will require that, in all normal circumstances, a high standard will be maintained in accordance with current design practices for PARKING and loading facilities.

3.3.6 Where necessary and feasible, off-street PARKING, driveways and/or loading areas adjacent to Residential Uses will be suitably screened or buffered through the use of fences, berms or other appropriate landscape treatment. All PARKING areas will be suitably surfaced to resist degradation from the elements or use and,

where deemed appropriate, be illuminated to facilitate and ensure the safety and convenience of pedestrian or vehicular access to the land uses served thereby."

The proposal does not comply with the intent of the Official Plan. If approved, an Official Plan Amendment in the form of a Special Policy Area to permit the proposed development will be required.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single and Double Residential" on the approved Blakeley Neighbourhood Plan. If approved, a redesignation from "Single and Double" to "Commercial" is required.

RESULTS OF CIRCULARIZATION:

- The following Departments and agencies have no comments:

- Hamilton Region Conservation Authority; and,
- Union Gas.

- The Treasury Department has advised that there are tax arrears.

- The Regional Environment Department advised that:

"There are public watermains and combined storm and sanitary sewers available to service the subject lands.

The owner should be advised that the drainage from the proposed parking lot must remain internal to the site and be drained using the appropriate number of catch basins, which must be connected to the storm sewer on Maplewood Avenue. One catch basin is required for every 1000 square metres of area to be drained.

According to our records the existing road allowance width of Maplewood Avenue is between 18.19m and 20.12m. Therefore we do not anticipate any further road allowance widenings at this time.

We understand that the City of Hamilton Department of Public Works and Traffic is requiring that the Public Assumed alley be widened to a minimum of 6.0m to accommodate proper two way access into the parking area. These lands must be dedicated to the City for road widening purposes.

Further, the applicant will be financially responsible for the widening of the public assumed alley to City of Hamilton standards from Maplewood Avenue to the north limits of the subject lands. The plans submittted by the applicant must be amended to reflect these requirements.

There appears to be a discrepancy between our engineering drawings (81-H-113) and the plans submitted by the applicant as to the location of the existing alley, the location of the alley, etc. and this should be clarified by the applicant/owner.

We require minimum 3m by 3m visibility triangles between the limits of the alley, as widened and the Maplewood Avenue road allowance limits in which the maximum height of any objects or mature vegetation (excluding existing trees) cannot exceed a height of 0.60m above the corresponding perpendicular centreline elevation of Maplewood Avenue.

Comments from the TH&B Railway with respect to setbacks, etc. from their right-of-way should be considered.

Any other works which may occur within the public assumed alley, as widened, and the Maplewood Avenue road allowance must conform to the City of Hamilton Streets By-law."

- The Regional Environment Department (Planning Section) advised that:

  REGIONAL COMMENTS: The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan.

  PROVINCIAL COMMENTS: The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The application falls within the parameters of the PPS."

- The Department of Public Works and Traffic has advised that:

  "We have no objections to the proposed zoning. The applicant has submitted a preliminary site plan that shows access to the parking spaces will be from the public assumed alleyway. The applicant should be advised that the City will require a dedication of land from them to create a 6.0 metre alleyway adjacent to their property."

- "The Building Department has advised :

  1. The application has been reviewed for the proposed zoning change from "D" to "G-3" for 227-229 Maplewood Avenue only.

  2. The two properties known as 227 and 229 Maplewood Avenue are required to be merged together under the same title.

  3. The issuance of demolition permits in the normal manner are required for the two existing dwellings and for the existing accessory buildings.

  4. No part of a public parking lot in a "G-3" District shall be farther from the nearest boundary for a commercial or industrial district than 60.0 m. The proposed public parking lot exceeds this distance.

  5. A landscaped area having a minimum average width of 2.0 m but not less than 1.0 m in width, shall be provided and maintained along the entire street line of the lot. Although a 3.0m setback is shown on the submitted plan, no information with respect to landscaping is provided.

  6. A 1.5m wide planting strip (ornamental shrubs or trees only – no grass) and a visual barrier (1.2m/2.0m in height) are required to be provided along the entire

westerly side lot line and along any portion of the rear lot line which abuts a residential district. The visual barrier must be no closer than 3.0m to the front lot line. No survey has been provided to confirm the location of the alleyway in relationship to the subject property. The location of the alleyway becomes unclear along the northerly portion of the subject lands.

7. All open areas, which are not landscaped, shall be paved, graded or drained to ensure that surface water will not escape to neighbouring lands.

8. It would appear that one or two of the minimum required 6.0m long manoeuvring spaces will not be provided on the same lot on which the parking spaces are located, and will instead be provided partially within the alleyway, which is not permitted.

9. An access driveway is permitted to be provided by means of a right-of-way, therefore proof is required that the alleyway shown is open to the public and that it qualifies as a right-of-way.

10. The access driveway (alleyway) must be at least 5.5m in width. The 15' wide alleyway shown does not conform.

11. Access driveways for non-residential uses must be at least 3.0m from the common boundary with a residential district. As the alleyway is to be utilized as the access driveway and as the zoning boundary line between the commercial and residential districts will be established along the centre of the alleyway, the above mentioned regulations will not be met.

12. Public parking lots are subject to the issuance and maintenance of a municipal licence and are subject to Site Plan Control."

COMMENTS:

1. The proposal does not conform to the Official Plan. The proposed "parking lot" is considered a commercial use and not permitted within the "Residential" designation. Thus , if approved, an Official Plan Amendment is necessary to establish a Special Policy Area to permit a parking lot only in conjunction with lands at 190 Gage Avenue South .

2. The approved Blakeley Neighbourhood Plan designates the subject lands as "Single and Double Residential". If approved a redesignation from "Single and Double Residential" to "Commercial" would be required.

3. The proposal has merit and can be supported for the following reasons:

   - The proposed parking lot will only be used in conjunction with the seniors apartment building at 190 Gage Avenue South to provide additional non-required parking ;

   - It will be appropriately developed with adequate screening and buffering from adjacent residential uses; and,

- The requested zoning is appropriate for the subject development.

4. With respect to the preliminary site plan submitted (see Appendix "C") and the Building Department comments, the following variances are required :

   - To allow the parking lot to be further than 60.0 m for a commercial or industrial district;

   - Requires a planting strip of not less than 1.5 m wide to be provided along the northerly easterly lot line, except for any area used for driveway access;

   - To eliminate the required 1.2 m to 2.0 m high visual barrier along the northerly and easterly lot lines whereas one is required;

   - To eliminate the required planting strip whereas a minimum 1.5 m wide planting strip is required along the entire westerly lot line; and,

   - Permits any access driveway to be within 3.0 m of a residential district.

   The above-mentioned variances are required to ensure an appropriate parking layout. The planting strip and visual barrier is deemed unnecessary since the proposed parking lot is immediately next to the railway lands to the west and an existing alleyway to the north and east. These variances are considered minor in nature and can be supported.

   With respect to the requirement for a 1.5 m wide planting strip along the northerly and easterly lot lines and required manoeuvring for each parking space, the preliminary site plan, as shown on Appendix "C", will require modifications resulting in less parking spaces than shown.

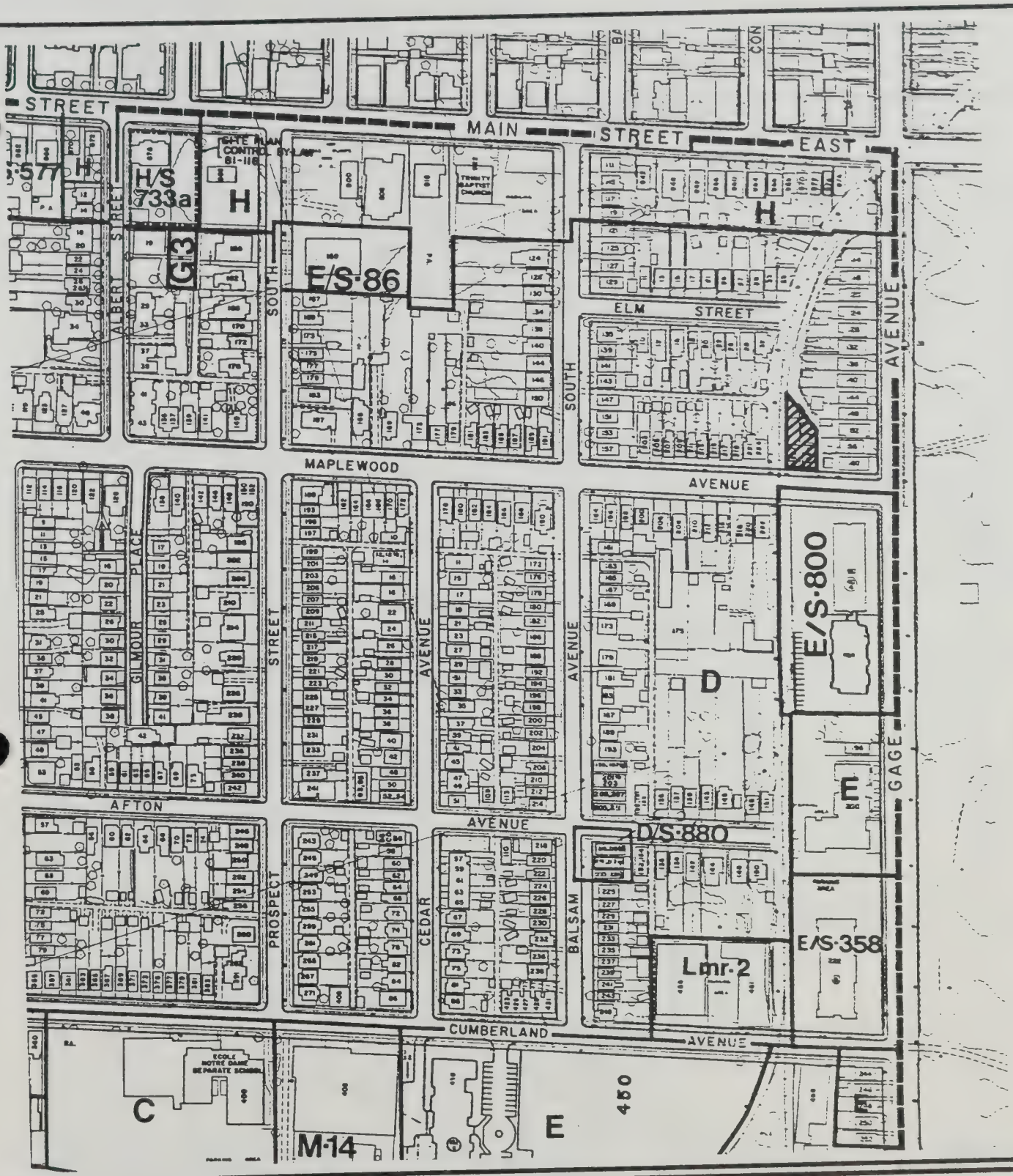
   Furthermore, the Traffic Department has advised that the existing alley which is proposed as the access driveway for the parking lot is substandard, and, if approved, the applicant will be required to dedicate a portion of the subject lands to create a 6.0 m alleyway.

5. The "G-3" (Public Parking Lots) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law 87-223 and 98-173. Matters related to access, landscaping, grading, fencing, lighting, etc. will be reviewed at the site plan approval stage of development. In addition, the tax arrears will have to be brought into good standing.

CONCLUSION:

Based on the foregoing, the proposal can be supported.

JL/mm



Legend

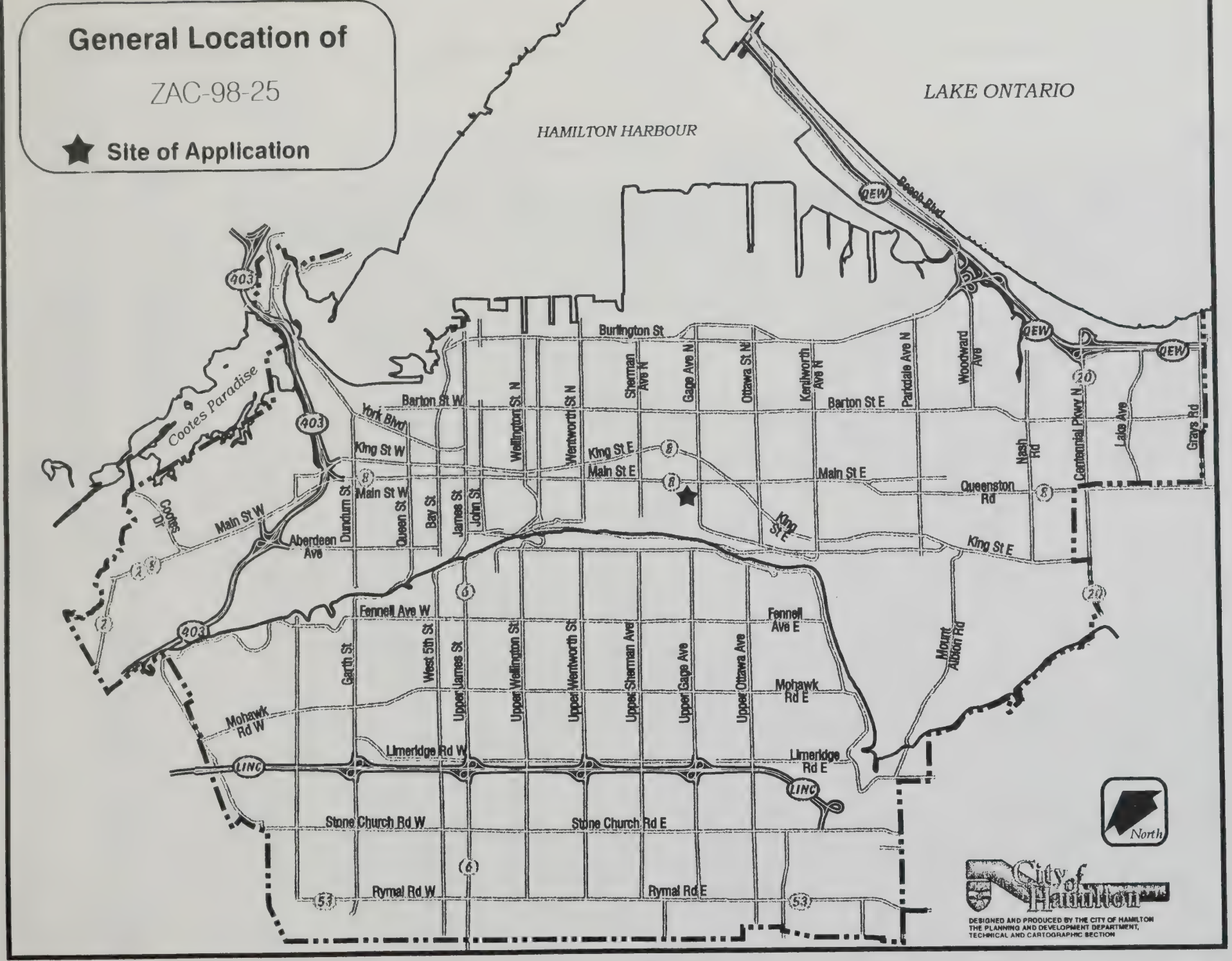
Site of the Application

City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File number
	NOT TO SCALE	ZAC-98-25
	Date	Drawn By
	June 1998	F.A.


General Location of
ZAC-98-25
Site of Application
LAKE ONTARIO
HAMILTON HARBOUR
Coootes Paradise
Burlington St
Barton St W
Barton St E
King St W
King St E
Main St W
Main St E
Aberdeen Ave
Fennell Ave W
Fennell Ave E
Mohawk Rd W
Mohawk Rd E
Limeridge Rd W
Limeridge Rd E
Stone Church Rd W
Stone Church Rd E
Rymal Rd W
Rymal Rd E
York Blvd
Queenston Rd
King St E
Beach Blvd
QEW
LINC
403
Dundurn St
Queen St
Bay St
James St
John St
Wellington St N
Wentworth St N
Sherman Ave N
Gage Ave N
Ottawa St N
Kenilworth Ave N
Parkdale Ave N
Woodward Ave
Centennial Pkwy N
Lake Ave
Gray's Rd
Nash Rd
Mount Albion Rd
Garth St
West 5th St
Upper James St
Upper Wellington St
Upper Wentworth St
Upper Sherman Ave
Upper Gage Ave
Upper Ottawa Ave
Coote's Dr
North
City of Hamilton
DESIGNED AND PRODUCED BY THE CITY OF HAMILTON
THE PLANNING AND DEVELOPMENT DEPARTMENT,
TECHNICAL AND CARTOGRAPHIC SECTION

APPENDIX

PRELIMINARY

SITE PLAN

APPENDIX"C"

Copy to D.A. Lychak, City Manager; V. Abraham, Director of Planning and Development; P. Noé Johnson, City Solicitor from T. Agnello, Secretary, Planning & Development Committee.
Date: 1998 Oct 26.

7a)

Fred Noble
215 Maplewood Ave
Hamilton, Ont.
L8m 1X9

OCT 26 1998

To whom it may concern,

I am a resident of Maplewood Ave, and I strongly disagree with the city rezoning D zone Urban Protected Residential, one and two family dwelling to G3, Public Parking Lot. These are just a few reasons for my opposition against the changing of Zones.

1) Maplewood Ave at this time is used as a main street for traffic.

2) This rezoning will add to the traffic on the street making it harder for the elderly to cross the road.

3) When there is a special event at Gage Park individuals will take advantage of the parking lot and then were will the elderly park?

4) We need homes in the neighborhood.

5) As a homeowner mine and all other homeowners value of property will decrease in the area.

6) Why let someone change the zoning are to suit his/her needs because they did not look into the future to see if a problem like this would arise?

7) If the city agrees to this rezoning, the city is going to loose money. Instead of collecting property tax, the owner (of the senior building) will be using this as a tax write off.

8) Is the owner the one that is going to be responsible for removal of the snow, or will it be up to the city?

I thank you for your time and I hope to hear for someone who is able to answer some of the questions that I have.

Sincerely

Fred Noble

CITIZE
FOR
CITIZENS
Ward 3 Neighbourhoods
HAMILTON

TO: MEMBERS OF PLANNING & DEVELOPMENT
FROM: ALDERMAN DENNIS HAINING

Telephone : (905) 549-4407

Submitted at PrD Mtg.
1998 Nov 4-
Re : ZA-98-25

October 30,1998

Alderman Dennis Haining:

The Citizens committee is opposed to a proposed parking lot at 227 & 229 Maplewood Avenue.

Approximately two years ago we supported the Blakely Neighbourhood Group in an O.M.B. appeal against the expansion of 190 Gage Avenue South. The proponents of the project stated at that time there would be a move to further expand after a two year moratorium agreement set by the hearing. The parking lot proposal is no doubt part of that expansion plan. The reason being, required parking is a stumbling block to the expansion.

The citizens committee has for almost a decade researched the effect of housing intensification and institutional uses in our neighbourhoods. The parking lot proposal to us would be a worst case scenario. Two family homes would be taken down to produce a parking lot which would allow greater intensification of the neighbourhood. The parking lot would isolate homes on Gage Avenue by placing a Commercial use between them and the rest of the neighbourhood, further fragmenting the community. The citizens committee believes that family homes are the key to stability of our neighbourhoods. The 190 Gage Avenue South project has already taken down three homes to create parking. The demolition of further homes for more parking is asking too much of the neighbourhood.

Our recommendation is to reject this proposal and further intensification of our neighbourhood.

David Beland

David Beland Chair
Citizens for Citizens
182 St. Clair Blvd.
Hamilton 5494407

c.c. Alderman Bernie Morelli
c.c. Alderman Frank D'Amico

206 Maplewood Ave
Hamilton On. L8M1X8
Oct. 31- 1998

P.-D. Chairman Frank D'amico
Alderman Dennis Hainings
Alderman Bernie Morelli

re: ZAC 98-25

Change in Zoning from
"D" to Modified Protected Residential to "G-3" Public Parking Lots
address 227-229 Maplewood Ave. Hamilton On.

We are opposed to this proposed development

Danny Vinson	222	Maplewood Ave.
K Vinson	222	Maplewood Ave
[illegible]	124	Gage Ave South
Carol Holder	114	Gage Ave South.
[illegible]	116	GAGE A S.
Kelly Cimino	223	Maplewood AVE
[illegible]	218	Maplewood Ave.
D M Speakman	212	Maplewood Ave
L. Brown	206	Maplewood Ave.

Submitted at the P+D Mtg
1998 Nov. 4.
Re ZA-98-25

City Hall
71 Main St. W.,
Hamilton, On
L8P 4Y5

October 26th, 1998

To: Frank D' Amico, Chair of the Planning Committee;

We are very concerned that there is a proposal to tear down two houses and erect a parking lot at 227-229 Maplewood Ave.. Our property is on Gage Ave. We would share the alley with the proposed parking lot. The following is a list of our concerns.

- Our property value could be decreased.
- Extra noise, by both cars and people.
- Less Security- People we don't know would be coming and going directly behind our property
  - We have no neighbours watching the alley
- Lighting from the alley will infringe on our privacy.
- Continuity of the neighbourhood will be disrupted.
- Rear access to our property could be disrupted

Some questions we must ask are; why was this building allowed if it did not have adequate parking? Why can the residents not use the upper parking lot? It is <u>always</u> half empty. It is also a much safer alternative for the seniors than to try and cross at a busy intersection such as Gage and Maplewood.

The buildings to be torn down are in good condition.

We are not in favour of this proposal and hope it is rejected.

Yours sincerely,

Nick and Gail Misuraca
152 Gage Ave. S.,
Hamilton, On.
L8M 3E1
547-9634

Submitted at the P+D Mtg
1998 Nov. 4.
Re ZA-98-25

City Hall
71 Main St. W.,
Hamilton, On
L8P 4Y5

October 26th, 1998

To: Frank D' Amico, Chair of the Planning Committee;

We are very concerned that there is a proposal to tear down two houses and erect a parking lot at 227-229 Maplewood Ave.. Our property is on Gage Ave. We would share the alley with the proposed parking lot. The following is a list of our concerns.

- Our property value could be decreased.
- Extra noise, by both cars and people.
- Less Security- People we don't know would be coming and going directly behind our property
  - We have no neighbours watching the alley
- Lighting from the alley will infringe on our privacy.
- Continuity of the neighbourhood will be disrupted.
- Rear access to our property could be disrupted

Some questions we must ask are; why was this building allowed if it did not have adequate parking? Why can the residents not use the upper parking lot? It is <u>always</u> half empty. It is also a much safer alternative for the seniors than to try and cross at a busy intersection such as Gage and Maplewood.

The buildings to be torn down are in good condition.

We are not in favour of this proposal and hope it is rejected.

Yours sincerely,

Nick and Gail Misuraca
152 Gage Ave. S.,
Hamilton, On.
L8M 3E1
547-9634

CITY OF HAMILTON

8.

- RECOMMENDATION -

DATE: 1998 November 10

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mary M. Pocius Mary M. Pocius
Chairperson, Central Area Plan Implementation Committee

SUBJECT: Hamilton Community Correctional Centre – Proposed Location

RECOMMENDATIONS:

a) Since Hamilton is in the process of revitalizing the downtown, and reestablishing a plan for this area, that the Federal government be requested to defer their decision on the location of the Hamilton Community Correctional Centre until the preparation of the Downtown Secondary Plan is complete; and,

b) That the City consider possible sites that it could offer for the Community Correctional Centre, as an alternative to the recommended site at 126 Main Street East.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The Central Area Plan Implementation Committee (CAPIC) is a sub-committee of the Planning and Development Committee. Attached is a summary of its mandate and focus, which is primarily to advise on matters in the Central Area.

CAPIC met on November 5, 1998 to discuss the proposed Hamilton Community Correctional Centre, and the recommended site at 126 Main Street East. Concerns were raised about the location of this facility in the downtown core, particularly in the context of downtown revitalization efforts and specific developments proposed near the recommended site. Other concerns were also raised about safety and security in neighbourhoods near the proposed centre; and the number of parolees anticipated to be visiting parole offices in the centre on a regular basis. The number of existing care facilities and social service agencies in the downtown core is already felt to be high.

As a result of these discussions, CAPIC adopted the following resolution:

> Since Hamilton is in the process of revitalizing its downtown, and reestablishing a plan for this area, CAPIC requests that a decision on the location of the Hamilton Community Correctional Centre be deferred until the preparation of the Downtown Secondary Plan is complete.

It was requested that this motion be forwarded to the Planning and Development Committee, the Downtown Partnership, and other parties including the Solicitor General.

There was also discussion about other possible sites, which might exist for this facility, especially outside of downtown. The facility would be permitted in a number of zoning districts, which are also located outside of downtown, assuming the other criteria can be met. It was asked whether the City might have surplus lands available which could serve this purpose. As a result, a further motion was passed, regarding actions, which the City could carry out to help identify alternative locations for this facility:

> It was moved that the City consider possible sites that it could offer for the Community Correctional Centre, as a alternative to the recommended site at 126 Main Street East.

This motion is to be forwarded to the Planning and Development Committee.

CONCLUSIONS:

The two resolutions noted above are therefore being forwarded to the Planning and Development Committee for information and action, and to other affected levels of government and agencies as required.

cc. Hon. Stan Keyes, M.P., Hamilton West
Hon. Andy Scott, Solicitor General of Canada
Patrice Valeriano, Community Corrections Integration Program
Marlene Coffey, Downtown Coordinator
Members of the Downtown Partnership

capic

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE
a Subcommittee of the Planning and Development Committee
c/o CITY HALL, 71 MAIN STREET WEST, HAMILTON, ONTARIO, L8N 3T4

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE (CAPIC)
MANDATE AND FOCUS

The Central Area Plan Implementation Committee (CAPIC) is a sub-committee of the Planning and Development Committee. It reviews and advises Planning Committee on matters affecting the Central Area of Hamilton.

The committee has a broad membership which include representatives of downtown neighbourhood associations, downtown business improvement areas, realtors, aldermen, and other stakeholders.

CAPIC also carries forward the recommendations of the Central Area Plan, which covers the area from Queen to Victoria, the Escarpment to the Bay.

Recently, the committee has been focussing attention on the downtown core area, on issues including transportation studies, downtown revitalization, and planning studies such as the proposed Downtown Secondary Plan, for which CAPIC members form the basis of the citizen advisory committee.

9.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 November 5
CDM-CONV-98-013
Stipeley Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Victor J. Abraham
Director of Planning and Development

SUBJECT: Proposed Draft Plan of Condominium –
Condominium Conversion, 9 Sherman Avenue South

RECOMMENDATIONS:

(a) That approval be granted to application CDM-CONV-98-013 (Regional File 25CDM-98018) submitted by Kate Taylor and Morton Taylor, owner, for a draft plan of condominium for property located at No. 9 Sherman Avenue South, as shown on the attached Plan marked as APPENDIX "A", to provide for a condominium comprised of 8 individual apartment condominium units, subject to the following conditions:

(i) That this approval applies to the attached draft plan dated September 2, 1998 (APPENDIX "A") prepared by A.T. McLaren Limited Ltd.;

(ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor;

(iii) That prior to approval of the final plan,

(1) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and,

(2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law No. 6593, and,

(3) the applicant/owner enter into an encroachment agreement with the Regional Municipality of Hamilton-Wentworth in regard to the encroachment of the guard rail onto the Sherman Avenue South road allowance.

(b) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

This application is processed under the authority of the Planning Act and the Condominium Act.

BACKGROUND:

Applicant:

Kate Taylor and Morton Taylor, owner.

Surveyor:

S.D. McLaren O.L.S., A.T. McLaren Limited.

Location:

Known municipally as 9 Sherman Avenue South, the subject property is 0.0567 ha in size and contains a 3-storey apartment structure constructed prior to 1913 (see APPENDIX "B" and "C").

Proposal:

The owner is proposing to convert the existing 8-unit rental residential apartment building to condominium status (see APPENDIX "A"). All 8 of the units are two-bedroom units; seven of the units were vacant at the time of the application. The one unit currently being rented has monthly rent of $503. The average market rent for the units currently vacant at the time of last occupancy was $510.

The applicant has noted "we will be spending $20,000 to $30,000 per unit to upgrade the housing stock suitable for low cost ownership housing." The applicant has further noted that the conversion will "contribute to neighbourhood revitalization; upgrading housing stock; providing low cost ownership housing; investing in the community." In addition, the applicant has indicated "our projected selling price per unit will be in the $40,000 to $60,000 range."

CURRENT POLICY AND DEVELOPMENT FRAMEWORK:

Hamilton-Wentworth Official Plan:

The lands are identified as "Urban" within the "Urban Policy Areas" of the Hamilton-Wentworth Official Plan (HWOP). The proposal does not conflict with the intent of the HWOP.

Hamilton Official Plan:

1. Land Use Designation

The subject lands are designated "Residential", according to Schedule "A" - Land Use Concept. The proposal does not conflict with the intent of the Official Plan.

2. Condominium Conversion Policies - Official Plan Amendment No. 151

At the time this application was formally accepted as complete by the Region of Hamilton-Wentworth on September 4, 1998, the City's Official Plan Amendment (OPA) addressing the issue of condominium conversions and demolitions of rental housing was under appeal to the Ontario Municipal Board. However, the appeals for OPA No. 151 were formally withdrawn from the Ontario Municipal Board on October 9, 1998. As such, although the City's Official Plan at the time of the writing of this report does contain condominium conversion policies legally in effect, at the time the application was deemed complete, the OPA 151 policies had a Council-adopted policy status as they were adopted by By-Law #98-197 on July 7, 1998. It is from this context that the proposed conversion to condominium at 9 Sherman Avenue South will be evaluated.

Neighbourhood Plan:

The subject lands are designated as "Medium Density Apartment" in the Stipeley Neighbourhood Plan. The proposal complies with the intent of the Neighbourhood Plan.

Zoning:

The subject lands are zoned "E" (Multiple Dwellings). The Building Department has not provided comments.

Council Policy in Regard to Condominium Conversion Matters:

As noted previously, as OPA No. 151 was adopted by City Council on July 7, 1998 by By-law #98-197, the policies within the OPA formally represent Council's position on condominium conversion matters. The key facet of this Official Plan Amendment states:

> *"To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment and/or townhouse units comprised of six or more units will be permitted provided all of the following criteria are met:*

(i) the rental vacancy rate by dwelling/structure type for the City and the respective local housing market zone has been at or above 2.0% for the preceding twenty-four (24) months;

(ii) the proposed conversion will not reduce the rental vacancy rate by dwelling/ structure type to below 2.0% for the City and the respective local housing market zone; and,

(iii) the existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling/structure type."

The subject property is located within the "Central East Hamilton" local housing market zone of OPA No. 151. This City-defined market zone correlates identically with the sub-market area "Zone 2 - Central East" utilized by Canada Mortgage and Housing Corporation (CMHC) for their annual Rental Market Survey, which is conducted every October. The relevant rental apartment market statistics for Council's conversion policy contained in OPA No. 151 are as follows:

OPA No. 151
Condominium Conversion Policy
Statistical Market Analysis

Rental Apartment Vacancy Rate - Criteria (i):

	City of Hamilton	Central East Hamilton
October, 1996	2.45%	6.93%
October, 1997	3.51%	5.38%

Impact on Apartment Vacancy Rate - Criteria (ii):

	City of Hamilton	Central East Hamilton
Pre-Conversion	3.51%	5.38%
Post-Conversion	3.49%	5.21%

Average Market Rents - Criteria (iii):

	Unit Count	9 Sherman S. (Sep/98)	City of Hamilton (Oct/97)	Central East Hamilton (Oct/97)
Two-Bedroom	8	$503	$603	$559

Data Sources: Canada Mortgage and Housing Corporation (CMHC) and Kate Taylor/ Morton Taylor.

Criteria (i) of Council's OPA No. 151 policy requires that the rental vacancy rate for the City and the respective local housing market zone must have been at or above 2.0% for the preceding twenty-four (24) months. The proposed condominium conversion at 9 Sherman Avenue South satisfies this test as the rental apartment vacancy rate within the Central East Hamilton local housing market zone as at October, 1997 was recorded at 5.38% and 6.93% as at October, 1996.

Criteria (ii) of Council's OPA No. 151 policy requires that the proposed conversion will not reduce the rental vacancy rate to below 2.0% for the City and the respective local housing market zone. The proposed conversion does not reduce the City or local housing market zone rental apartment vacancy rate to below 2.0%. Accordingly, the proposal satisfies this test.

Criteria (iii) of Council's OPA No. 151 policy requires that the existing market rent levels for the units proposed to be converted are not to be significantly below the average market rent levels for the City and the respective local housing market zone.

All of the 8 units within the apartment building at 9 Sherman Avenue South are two-bedroom units. The average market rent for the occupied two-bedroom unit is 16.6 percent below the City of Hamilton average and 10.0 percent below the Central East Hamilton local housing market zone average. As a result, criteria (iii) has not been satisfied as the average market rents at 9 Sherman Avenue South are "significantly below" the average market rent levels for the City and the respective local housing market zone.

Accordingly, the proposed conversion of the rental apartment building at 9 Sherman Avenue South to condominium status conflicts with criteria (iii) of Council's OPA No. 151 condominium conversion policy adopted by By-law #98-197 on July 7, 1998.

CONSIDERATION OF PROPOSED DRAFT PLAN OF CONDOMINIUM:

Background:

The Condominium Act under Section 50 provides direction that the provisions of the Planning Act pertaining to Plans of Subdivision will apply for the approval of a condominium description. The Planning Act under Section 51(24) provides a number of criteria (12 in total) in considering a draft plan of subdivision/condominium. Staff has reviewed all of the criteria and two specific criteria have been identified that are particularly relevant in regard to the proposed Plan of Condominium at 9 Sherman Avenue South. The preamble to this section of the Planning Act and the two criteria that are particularly relevant are as follows:

> *"In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the municipality and to,*
>
> *(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*
>
> *(b) whether the proposed subdivision is premature or in the public interest;"*

Clause (a) of S.51(24) provides direction to have regard to the matters of provincial interest outlined in section 2 of the Planning Act. Section 2 outlines 16 specific matters of provincial interest and all were reviewed by staff to identify any possible concerns within the context of the proposed Plan of Condominium. One provincial interest was identified as being relevant in the context of the proposed Plan of Condominium and is as follows:

> *"The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,*
>
> *(j) the adequate provision of a full range of housing;"*

The use of the word "*adequate*" in the sentence "the adequate provision of a full range of housing" in section 2(j) of the Planning Act is interpreted as meaning that housing opportunities are available for all households in a community. Moreover, the term "*adequate*" also has the connotation that housing opportunities are not unduly constrained or provided only on a minimal or token basis.

The phrase "*full range of housing*" is taken to mean:

1) a range of housing in various structure/dwelling types are available such as single-detached, semi-detached, row/townhouses, and apartments in the form of high-rise buildings, low-rise buildings and accessory apartments in grade-related dwellings;

2) a range of housing in various forms of tenure are available including rental, owner or co-operative; and,

3) a range of housing in various levels of cost are available in both rental and ownership forms of tenure.

Analysis:
The table below is based from statistics provided by CMHC and shows the total number of rental housing dwelling starts in Hamilton from 1990 to the first 3 months of 1998.

Rental Dwelling Starts
City of Hamilton

	Private		Assisted		Sub-	All	Percent
	Row	Apartment	Row	Apartment	Total	Starts	Rental
1998-Q1	8	0	0	0	8	59	13.6%
1997	28	0	0	0	28	722	3.9%
1996	0	0	6	0	6	436	1.4%
1995	0	0	34	177	211	548	38.5%
1994	0	0	13	240	253	741	34.1%
1993	0	0	231	4	235	662	35.5%
1992	0	0	238	181	419	824	50.8%
1991	0	0	443	165	608	971	62.6%
1990	130	7	0	155	292	1502	19.4%

Data Source: Canada Mortgage and Housing Corporation (CMHC).

The CMHC statistics on the previous page show that since the termination of the Provincial non-profit and co-operative housing programs in 1995, there have been no new rental apartment starts in the City of Hamilton. Specifically in Hamilton's Lower City east of the Downtown area, the last new rental apartment buildings constructed were started in March, 1995 at 190 Gage Avenue South (60 units - Taras Shevchenko Non-Profit) and in January, 1994 at 430 Cumberland Avenue (152 units - Municipal Non-Profit (Hamilton) Housing Corporation). CMHC has also indicated there are no "pending starts" of apartment rental housing of either a private or assisted category in the City of Hamilton as at March 31, 1998.

The subject property is situated within the Central East rental sub-market area. However, Sherman Avenue is also a boundary between two CMHC rental sub-market areas. The Central East sub-market area is bounded by Sherman Avenue, the Hamilton Harbour, the Red Hill Creek Valley and the Escarpment. The Central sub-market area extends from Hwy. #403 in the west to Sherman Avenue in the east, excluding the Downtown Core sub-market area. The table on the following page shows the historical rental apartment vacancy rates for both sub-market areas and the City of Hamilton.

Rental Apartment Vacancy Rate
Apartments with 6+ Units, Privately-Initiated

	Central East Sub-Market	Central Sub-Market	City of Hamilton
Oct/97	5.38%	6.07%	3.51%
Oct/96	6.93%	5.19%	2.45%
Oct/95	3.51%	5.65%	2.24%
Apr/95	2.65%	7.83%	2.38%
Oct/94	2.99%	4.35%	2.35%
Apr/94	3.70%	4.27%	2.49%
Oct/93	3.15%	5.84%	2.68%
Apr/93	3.64%	8.97%	2.88%
Oct/92	2.76%	5.15%	2.31%
Apr/92	3.98%	3.14%	2.29%
Oct/91	2.25%	3.55%	1.59%
Apr/91	1.57%	2.86%	1.36%
Oct/90	1.70%	6.43%	1.34%
Apr/90	1.46%	3.37%	0.77%

Data Source: Canada Mortgage and Housing Corporation.

According to CMHC, a rental apartment vacancy rate in the range of 2.0% to 3.0% is generally indicative of a rental housing marketplace that is in a competitive, balanced situation. In this balanced environment, the upward pressure on rents is tempered by the availability of vacant units and there is an adequate degree of choice and selection for prospective tenants. There is essentially a "level playing field" between the needs and interests of both tenants and landlords.

The rental apartment vacancy rate is also a broad indicator of the demand for rental housing units within a particular area. Considering the rental apartment vacancy rate for the Central and Central East sub-market area has been at or above 2.0% since October, 1991, this is a firm indication that the demand for rental apartments in this part of Hamilton has been weak and continues to be. This trend also indicates that there is an over-supply of rental apartment units in this area of the City of Hamilton.

As was noted previously in the analysis of the City's condominium conversion policy, the average market rent for the two-bedroom units within 9 Sherman Avenue South were recorded as being below the average market rent for two-bedroom units in both the Central East sub-market area and the City of Hamilton. In addition, with the average monthly rent for two-bedroom units in the Central sub-market area recorded at $577 (October, 1997), the average market rent within 9 Sherman Avenue South is 12.1% below the Central sub-market area figure.

However, a review of additional statistics provided by CMHC indicate that the rental apartment vacancy rate for two bedroom units within in the $400-499 and $500-599 rent range is in a balanced, competitive situation, which is shown in the table on the following page.

Rental Apartment Vacancy Rate/October, 1997
Two-Bedroom Units, Privately-Initiated

Rent Range	Central East Sub-Market	Central Sub-Market	City of Hamilton
$400-499	10.0%	13.7%	7.5%
$500-599	3.6%	2.9%	5.0%
All Rents	3.1%	5.2%	3.2%

Data Source: Canada Mortgage and Housing Corporation.

The above data indicates that alternative two-bedroom accommodation is available elsewhere in the sub-market areas and in the same rental price range as the two-bedroom units being proposed for conversion at 9 Sherman Avenue South. The rental vacancy rates show that the rental market in this area of Hamilton and within this specific price segment and bedroom size is in a balanced, competitive situation.

Accordingly, removal of the 8 rental apartment units would not act as a negative influence in the current apartment rental market situation within the Central East sub-market area or the City of Hamilton. This is because of the small number of units involved, the high overall rental apartment vacancy rates and the availability of similarly priced alternative rental accommodation. The approval of rental apartment units for conversion to condominium at 9 Sherman Avenue South would not be premature and, in addition, the proposal would not adversely affect the "adequate provision of a full range of housing" which is a matter of Provincial interest as outlined in the Planning Act.

COMMENTS FROM CIRCULATION:

The Regional Environment Department, Development Engineering Section advised the following:

"**Recommendations:**

1. That the applicant/owner enter into an encroachment agreement with the Region of Hamilton-Wentworth.

Information:

1. There is an existing Municipal sewer available to service this development directly.

2. There is an existing Municipal watermain available to service this development directly.

3. According to our records, the existing road allowance of Sherman Avenue South is 20.12m. Therefore, we do not anticipate any further road allowance widenings at this time.

4. According to our records, the alley to the rear of the subject lands is public unassumed. Therefore, the City of Hamilton cannot guarantee free and clear access to the rear parking area from the public unassumed alley.

5. The status of the mutual right-of-way between these lands and lands to the north should be determined to ensure that this provides access to the rear parking area at a width which is to the satisfaction of the Traffic Division.

6. According to the plan submitted by the applicant, the steel guard rail on the north side of the property encroaches into the Sherman Avenue South road allowance. The reason for this encroachment is unclear and it only seems to provide protection between vehicles within the right-of-way and parking lot to the north and the building and this should be confirmed by the owner. Should the guard rail encroachment within the Sherman Avenue South road allowance be retained, we recommend as a condition of approval that the applicant/owner enter into an encroachment agreement with the Region of Hamilton-Wentworth.

7. For the information of the applicant/owner, any work which may occur within the Sherman Avenue South road allowance must conform to the Region of Hamilton Wentworth Roads Use By-law.

8. There is no Municipal share of services to be installed for this development.

The submitted plan, as prepared by S.D. McLaren O.L.S. and dated September 7, 1998, is satisfactory to the Regional Environment Department, subject to the above comments and recommendations."

The Traffic Division, Department of Public Works and Traffic advised the following:

"The current 8 unit multiple dwelling would require a total of 10 parking spaces under current zoning by-law requirements. Our review of the submitted plan indicates that 6 parking spaces can be provided, 4 spaces that meet the current standards with respect to size and manoeuvring area and 2 spaces that are substandard in width and must use the alley way for manoeuvring.

Since the site limitations eliminate the possibility of providing additional parking and the 8 residential units have existed for a number of years with a limited amount of parking, we would have no objection to a reduction in the required parking."

The Building Department did not provide comments.

TENANT OPINIONS/CONCERNS:

Only one of the 8 units within 9 Sherman Avenue South is currently occupied, the remaining 7 are vacant and unoccupied. The applicant has been in contact with this tenant, informing them of the condominium conversion proposal. In addition, staff from the Planning and Development Department have been in contact with the one tenant to gather opinions and identify any concerns with the proposal.

The tenant had expressed concern about how they would be accommodated during the renovation of the building and individual units. The tenant further indicated to Planning and Development Department staff that they were supportive of the conversion to condominium as it would improve the overall condition of the building and the individual dwelling units. The tenant did indicate a preference to remain as a tenant within the building.

In response to the tenant concerns, the applicant has indicated to Planning and Development Department staff that he will ensure the tenant will not be disrupted and will accommodate any concerns of the tenant in the future.

COMMENTS:

1. As the 8-unit apartment structure at 9 Sherman Avenue South is located on the boundary of two rental sub-market areas, consideration is given to the rental apartment vacancy data for both sub-market areas (Central and Central East). A rental apartment vacancy rate in the range of 2.0% to 3.0% is indicative of a healthy, competitive and balanced rental housing marketplace.

   Canada Mortgage and Housing Corporation recorded the rental apartment vacancy rate for the Central East rental sub-market area at 5.38% in October, 1997 and 6.93% in October, 1996. Further, CMHC recorded the rental apartment vacancy rate for the Central rental sub-market area at 6.07% in October, 1997 and 5.19% in October, 1996.

Accordingly, as the rental housing marketplace in the Central and Central East sub-market area is in a balanced, competitive situation, approval of the proposed Plan of Condominium for 9 Sherman Avenue South would not adversely affect the adequate provision of a full range of housing.

2. As the 8-unit apartment structure at 9 Sherman Avenue South is located on the boundary of two rental sub-market areas, consideration is given to average monthly rent charges for both sub-market areas (Central and Central East). The average monthly rental rent charge for the two-bedroom units within the building at 9 Sherman Avenue South ($503) are below the average monthly rent charge for two-bedroom units within the Central and Central East sub-market areas and the City of Hamilton.

   However, the rental apartment vacancy rate for two-bedroom units within the $400-$599 rent range for the Central and Central East sub-market areas and the City of Hamilton overall is well above the desired 2-3% balanced market level. What this means is that there is an adequate supply of alternative two-bedroom rental units in the same rental range and in the same geographic area as 9 Sherman Avenue South.

3. The proposal does not conflict with the intent of the Official Plan at the time the application was deemed complete (September 3, 1998).

4. The proposed conversion conflicts with criteria (iii) established by Official Plan Amendment No. 151 adopted by By-law #98-197 on July 7, 1998. All of the 8 units within the apartment building at 9 Sherman Avenue South are two-bedroom units. The average market rent for the occupied two-bedroom unit is 16.6 percent below the City of Hamilton average and 10.0 percent below the Central East Hamilton local housing market zone average. As a result, criteria (iii) has not been satisfied as the average market rents at 9 Sherman Avenue South are "significantly below" the average market rent levels for the City and the respective local housing market zone.

   However, as was noted previously , there is an adequate supply of alternative two-bedroom rental units in the same rental range and in the same local housing market zone as 9 Sherman Avenue South. Combined with the small number of units within the subject property (8) that are proposed to be converted, this is not considered a rental market concern.

5. Hamilton Official Plan Amendment No. 151 is at the present time legally in effect. However, at the time this application for conversion to condominium was deemed complete by the Region of Hamilton-Wentworth and forwarded to the City of Hamilton for comment, OPA No. 151 was under appeal to the Ontario Municipal Board.

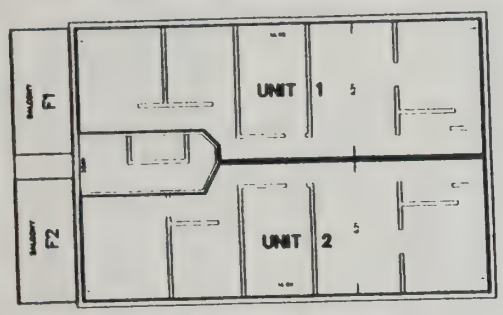
   For the information of the Committee, in this specific example of 9 Sherman Avenue South, if the Condominium Conversion policies were legally in effect within the Hamilton Official Plan, an Official Plan Amendment allowing the conversion to proceed would have been required.

CONCLUSION:

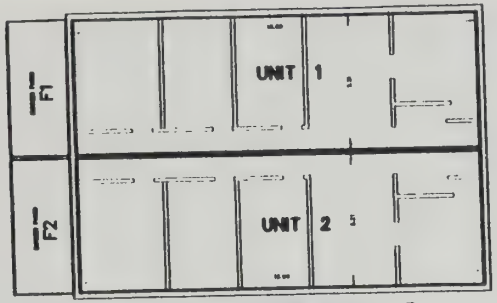
On the basis of the forgoing, the proposed plan of condominium can be supported.

KE/ke

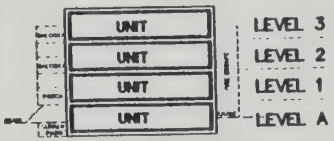
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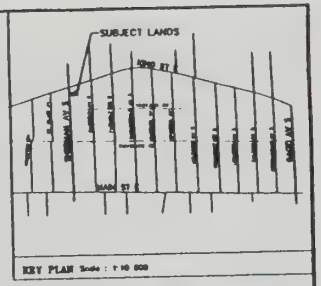
DETAIL TO SHOW EXTENT OF UNITS ON LEVELS 2 AND 3



DETAIL TO SHOW EXTENT OF UNITS ON LEVEL A



SECTION TO ILLUSTRATE EXTENT OF LEVELS

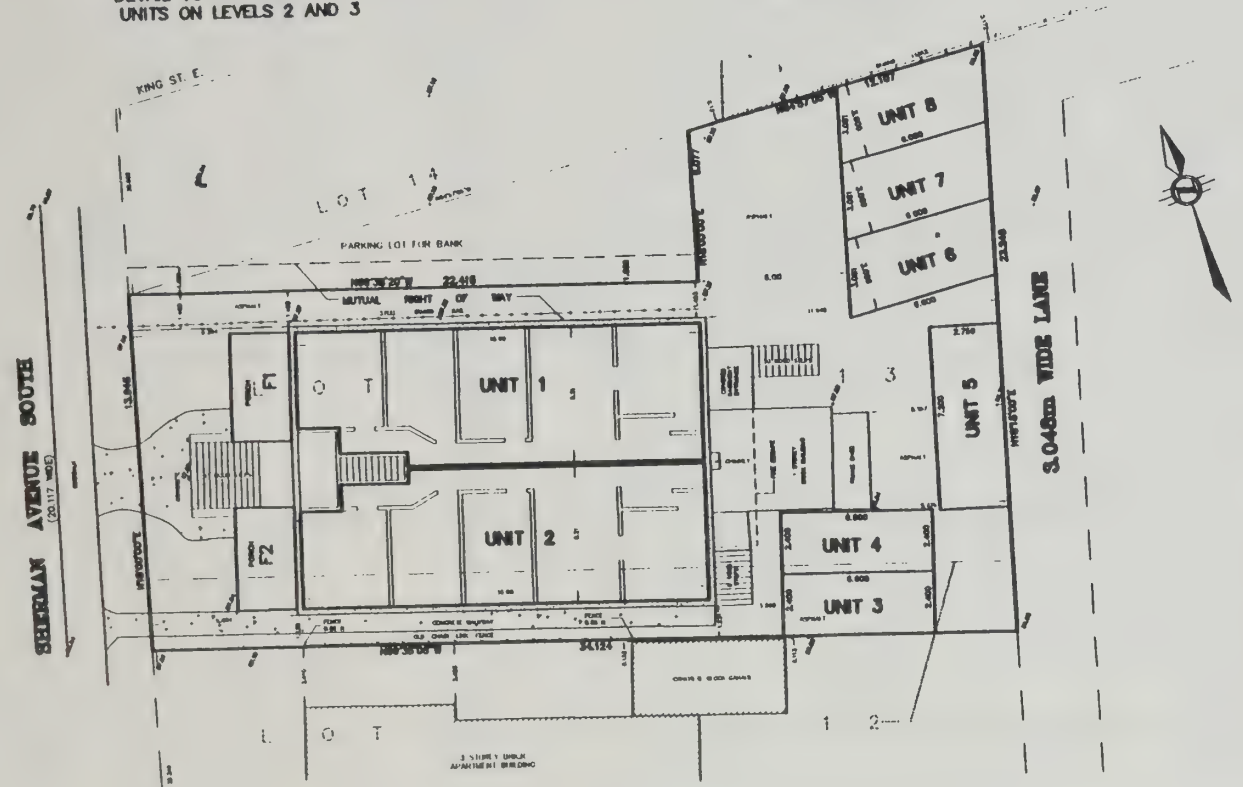


DRAFT PLAN OF CONDOMINIUM
OF
#9 SHERMAN AVENUE SOUTH
PART OF LOTS 12 AND 13
REGISTERED PLAN 413

IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON – WENTWORTH

SCALE: 1:100 metres

S.D. McLAREN, O.L.S. – 1998



SURVEYOR'S CERTIFICATE:

I CERTIFY THAT:

THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

SEPTEMBER 2, 1998
DATE

S.D. McLAREN, O.L.S.

METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

BENCHMARK NOTE:

CITY OF HAMILTON BENCHMARK 6-10
945 King Street East (L.C.B.O.) at intersection with Garfield St. Flange nut on east face 0.88 m north of the southeast corner 0.6 m above asphalt.
Elevation 86.872 m (282.387 ft.)

BEARING NOTE:

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE EASTERLY LIMIT OF SHERMAN AVENUE SOUTH AS SHOWN ON REGISTERED PLAN 413 AS BEING N18°00'00"E

SECTION 51 (17) PLANNING ACT – AS REVISED

(A)	SHOWN ON PLAN	(G)	SHOWN ON PLAN
(B)	SHOWN ON PLAN	(H)	MUNICIPAL PIPED WATER AVAILABLE
(C)	SHOWN ON PLAN	(I)	CLAY LOAM
(D)	SEE SCHEDULE	(J)	SHOWN ON PLAN
(E)	SHOWN ON PLAN	(K)	MUNICIPAL SERVICES EXISTING
(F)	SHOWN ON PLAN	(L)	SHOWN ON PLAN

SCHEDULE

TOTAL AREA OF SITE	= 853 Sq.m
TOTAL NUMBER OF RESIDENTIAL UNITS	= 8
TOTAL VISITORS PARKING SPACES	= 0
TOTAL RESIDENTS PARKING SPACES	= 6
MAXIMUM BUILDING HEIGHT	= 3 STOREY
CONSTRUCTION TO COMMENCE IN	= EXISTING BUILDING

NOTE:

AREAS NOT DESIGNATED AS UNITS ARE PART OF THE COMMON ELEMENTS

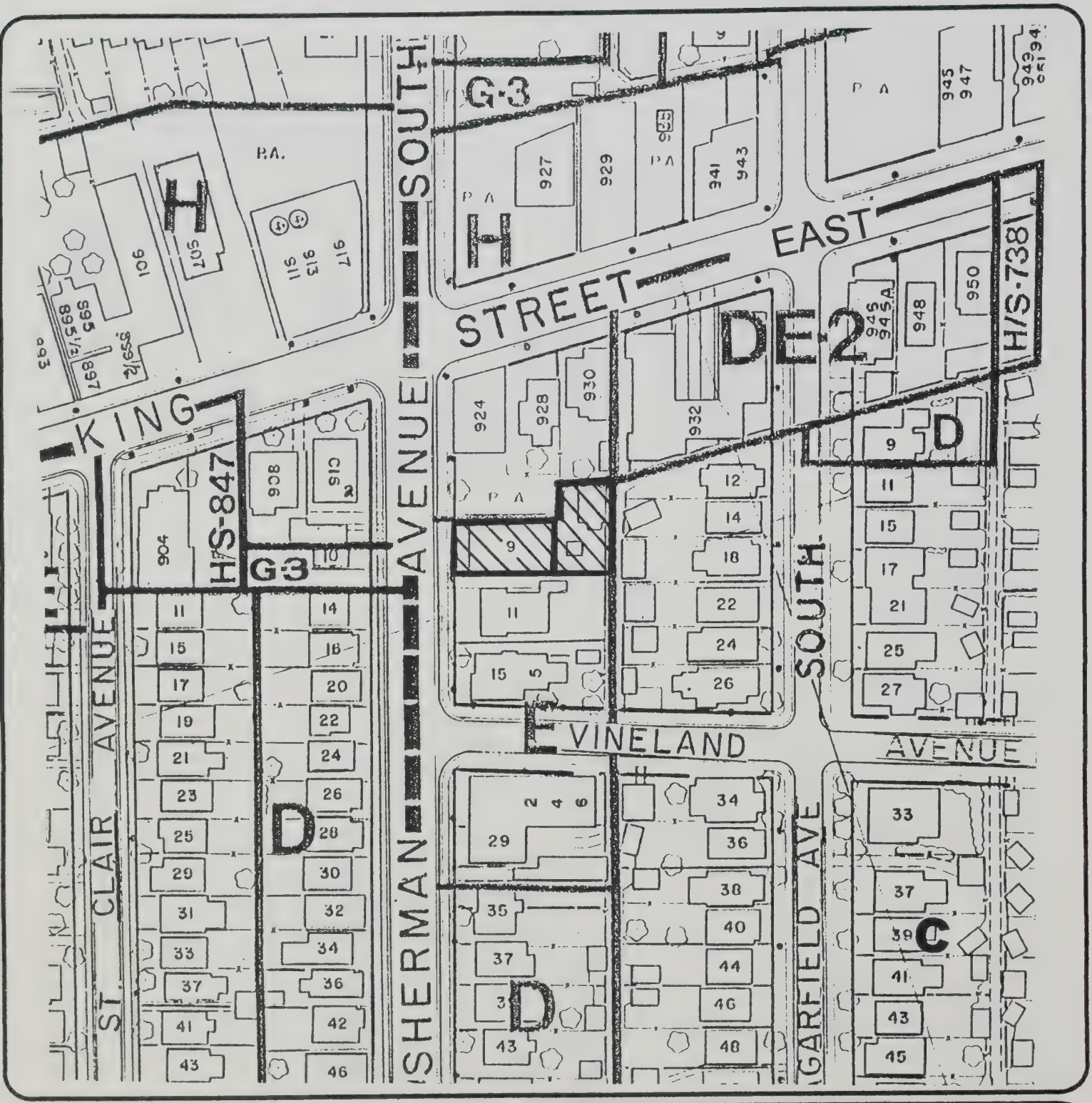
AREAS DESIGNATED WITH THE PREFIX 'F' ARE FOR THE EXCLUSIVE USE OF THE OWNERS OF THE UNITS ON THE SAME LEVEL, HAVING THE SAME NUMBER

A.T. McLaren Limited
LEGAL AND ENGINEERING SURVEYS
60 JOHN STREET SOUTH, SUITE 230
HAMILTON, ONTARIO, L8N 2B6
PHONE (905) 577-6500 FAX (905) 667-6632

25CDM-98018

APPENDIX "A"

APPENDIX "B"



Legend

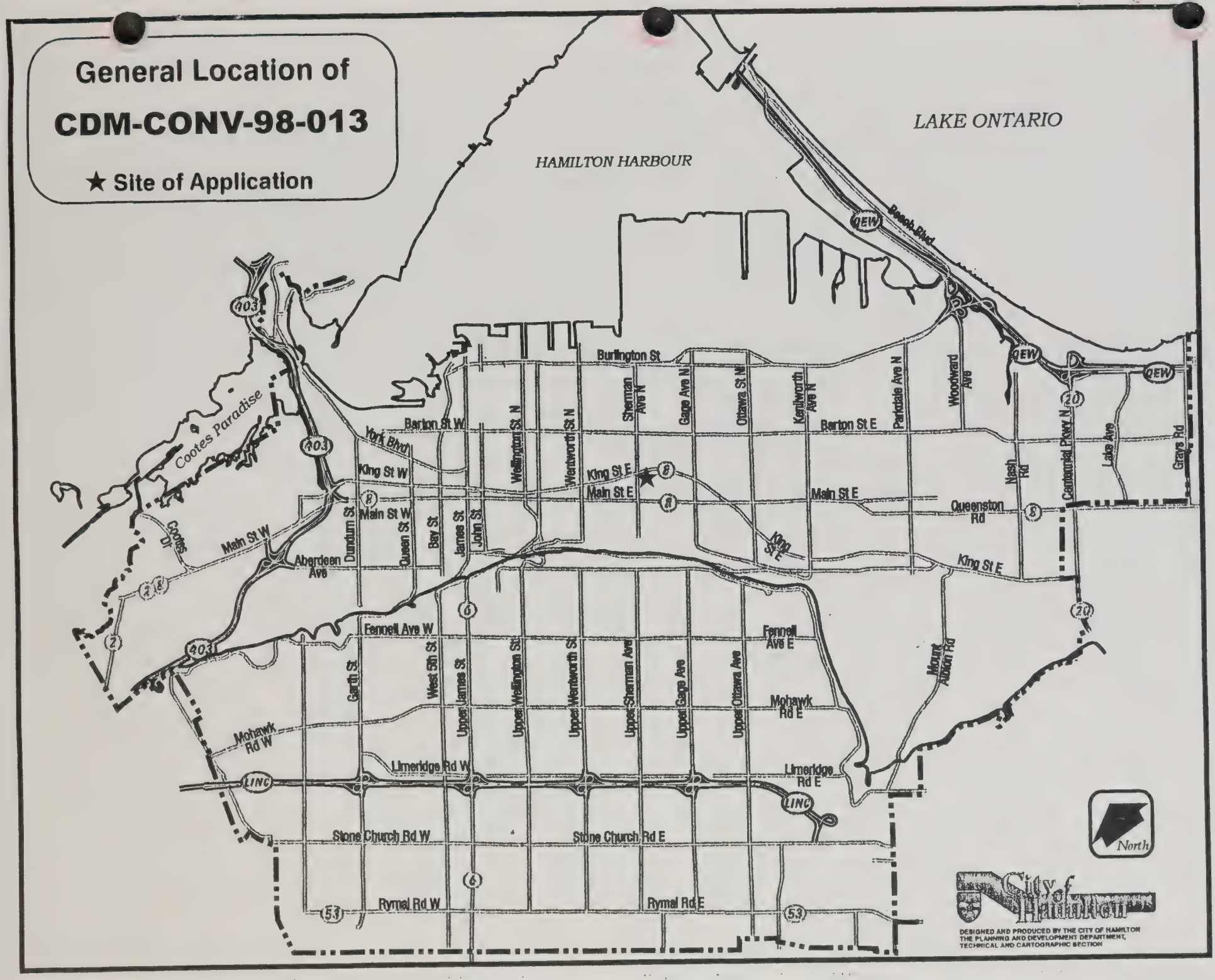
Site of the Application

City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	CDM-CONV-98-013
	Date	Drawn By
	October, 1998	K.E.


General Location of
CDM-CONV-98-013
★ Site of Application
LAKE ONTARIO
HAMILTON HARBOUR
QEW
Beach Blvd
403
Burlington St
Barton St W
Barton St E
York Blvd
King St W
King St E
Main St E
Main St W
Cootes Paradise
Cootes Dr
Aberdeen Ave
Dundurn St
Queen St
Bay St
James St
John St
Wellington St N
Wentworth St N
Sherman Ave N
Gage Ave N
Ottawa St N
Kenilworth Ave N
Parkdale Ave N
Woodward Ave
Nash Rd
Centennial Pkwy N
Lake Ave
Grays Rd
Queenston Rd
Fennell Ave W
Fennell Ave E
Mohawk Rd W
Mohawk Rd E
Limeridge Rd W
Limeridge Rd E
Stone Church Rd W
Stone Church Rd E
Rymal Rd W
Rymal Rd E
Garth St
West 5th St
Upper James St
Upper Wellington St
Upper Wentworth St
Upper Sherman Ave
Upper Gage Ave
Upper Ottawa Ave
Mount Albion Rd
LINC
North
City of Hamilton
DESIGNED AND PRODUCED BY THE CITY OF HAMILTON
THE PLANNING AND DEVELOPMENT DEPARTMENT,
TECHNICAL AND CARTOGRAPHIC SECTION

APPENDIX "C"

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1998 November 18
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1998 November 4.

B. BUILDING COMMISSIONER

(i) Sewage Systems and the Ontario Building Code

(ii) 1016 Upper Paradise Road – Demolition

(iii) 1088 Upper Paradise Road – Demolition

C. DIRECTOR OF PLANNING AND DEVELOPMENT

(i) Application to Remove Part-Lot Control (PLC-98-08) – Block 21, Registered Plan 62M-829 "Eagleview Estates, Phase 1".

(ii) Application to Remove Part-Lot Control (PLC-98-09) – Lots 1 – 13, inclusive and Lots 15-22 inclusive, Registered Plan 62M-853 "Allison Estates, Phase 5".

(iii) "Wellington Meadows – Phase 1", Hamilton (Cash Payment in Lieu of 5% Parkland Dedication)

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

A.

Wednesday, 1998 November 4
Room 233, City Hall
9:30 o'clock a.m.

The Planning and Development Committee met.

There were present: Alderman F. D'Amico, Chairperson
Alderman G. Copps, Vice-Chairperson
Alderman M. Caplan
Alderman R. Corsini
Alderman D. Haining
Alderman F. Eisenberger
Alderman B. Charters
Alderman B. Kelly

Absent: Mayor R. M. Morrow - Civic Business

Also present: Alderman M. Kiss
Alderman T. Anderson
Victor Abraham, Director of Planning and Development
Paul Mallard, Planning and Development Department
Bill Janssen, Planning and Development Department
Joanne Hickey-Evans, Planning and Develoment Department
Mary Lou Tanner, Planning and Development Department
Keith Extance, Planning Department
Art Zuidema, Law Department
Dave Powers, Law Department
Mark Mascarenhas, Manager, Housing and Loans
Eugene Chajka, Regional Environment Department
Hazel Milsome, Public Works and Traffic Department
Ed Switenky, Public Works and Traffic
Peter Lampman, Building Department
Willy Wong, Building Department
Tina Agnello, Secretary

Prior to each Public Meeting, Alderman D'Amico advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at a Public Hearing.

PUBLIC MEETINGS – 9:30 O'CLOCK A.M.

1. **Zoning Application 98-25 and Official Plan Amendment by Taras Shevchenko Home for the Aged, Owner, for a Change in Zoning from "D" District to "G-3" District, for Lands Located at 227-229 Maplewood Avenue.**

Submissions were received from the following:

(a) Fred Noble, 215 Maplewood Avenue, Hamilton.

(b) Nick and Gail Misuraca, 152 Gage Avenue South, Hamilton

(c) David Beland, Chair, Citizens for Citizens, 182 St. Clair Blvd., Hamilton

Paul Mallard advised that the Application is for a Official Plan Amendment to establish a Special Policy Area to change from One and Two Family to a public parking lot. Land dedication is required to create the alleyway. Staff supports the application and parking is only used in conjunction with the existing use which is a home for the aged.

John Tymoshuk, Architect for the Project of 288 Grays Road, Hamilton was present. He stated that the applicant agrees to adjust the site plan to meet the requirements of the Planning Department.

Gail Misuraca 152 Gage Avenue South stated that her backyard faces 229 Maplewood Avenue and her alley is sole access to the yard and the garage and that she is concerned with parking access and also the lighting of the parking lot which will shine towards her home.

John Holter of 114 Gage Avenue South was concerned with too much traffic in the alleyway already and too much noise. He was concerned that the alleyway may become as busy as a street.

Lois Brown of 206 Maplewood Avenue was present. She objected to the demolition of the two homes. She stated that it was not necessary to have extra parking and that this proposal will generate more traffic.

John Migidishian, President of Taras Shevchenko Home for the Aged, 93 King Street West, Dundas was present. He stated that Home requires more additional parking and that they want to keep the green space and therefore they must use the lands on which the two homes are on.

Alderman Haining stated that the homes to be demolished are not derealict and that there is a childrens playground nearby and traffic generation is a concern. He stated that the proposal will create a view from the street which is out of character. He was concerned with parking and traffic problems as well

In a response to a question from Alderman Copps, Paul Mallard advised that for seniors homes .3 to .5 parking spaces are required whereas for other developments 1.25 parking spaces are required.

A motion to deny was placed on the floor and defeated.

Subsequent to that the recommendation of the Director of Planning dated 1998 October 22 was approved as follows:

(a) That approval be given to Official Plan Amendment No.156 to establish a Special Policy Area to permit a parking lot only in conjunction with lands located at 190 Gage Avenue South, on lands known municipally as 227-229 Maplewood Avenue, as shown on the attached map marked as Appendix "A", and the City Solicitor be directed to prepare a By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,

(b) That approval be given to amended Zoning Application 98–25, Taras Shevchenko Home for the Aged, owner, for a change in zoning from "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to "G – 3" (Public Parking Lots) District, modified to permit a parking lot on the property located at 227–229 Maplewood Avenue, as shown on the attached maps marked as Appendices "A" and "B", subject to the following:

(i) That the subject lands be rezoned from "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to "G-3" (Public Parking Lots) District; and,

(ii) The "G-3" (Public Parking Lots) District regulations, as contained in Section 13C of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special provisions:

(1) That the subject lands be used only in conjunction with 190 Gage Avenue South; and;

(2) That notwithstanding Section 13C. (4) (ii), a planting strip of not less than 1.5 m in width shall be provided and maintained along the northerly and easterly lot lines, except for any area used for driveway access; and,

(3) That Section 13C. (2), shall not apply; and,

(4) That Section 13C. 4 (ii), shall not apply to the westerly lot line; and,

(5) That Section 13C. 4 (iii), shall not apply to the northerly and easterly lot lines; and,

(6) That notwithstanding Section 18A. (26) of Zoning By-law No. 6593, the access driveway shall be within 3.0 m of a residential district; and,

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S -1417, and the subject lands on Zoning District Map E-34 be notated S –1417; and,

(iv) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map E-34, for presentation to City Council; and,

(v) That this proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No.156 by the Regional Municipality of Hamilton-Wentworth;

(vi) That the subject lands be redesignated on the Approved Blakeley Neighbourhood Plan from "Single and Double Residential" to "Commercial" upon finalization of the implementing By-law.

Recorded vote.

Yeas: Aldermen D'Amico, Corsini, Eisenberger and Charters. –4.

Nays: Aldermen Haining, Copps, Kelly. –3. CARRIED.

2. OFFICIAL PLAN AMENDMENT – REVISED OFFICIAL PUBLIC NOTIFICATION PROCEDURES

Joanne Hickey-Evans advised that in 1982 Public Notice Sign was approved by Council. At present it does not contain when the meeting is to be held. The regulations now allow that notification can be done in the newspaper ad or on the notice sign in circulation to owners only.

Ms. Hickey-Evans said that once the Official Plan Amendment is in force and effect the purpose is to post on the notice and circulate through the mail. Until then we will continue placing ads in the local newspaper. If an application is tabled the public notice sign must be changed.

Lois Brown of 206 Maplewood Avenue was present. She was concerned that some people do not get the Spectator and suggested that at other times people have been notified with their tax bill.

The Chair advised those present that the changes are being regulated by the Province of Ontario. He also explained that the Assessment records to do not include a list of occupants or tenants.

Joanne Hickey Evans recommended an amendment in the wording to Sub-section (b).

Following discussion, the Committee approved the recommendation of the Director of Planning and Development dated 1998 October 13 as amended as follows:

(a) That approval be given to Official Plan Amendment No.155 to reflect the recent changes to the Ontario Regulations under the Planning Act respecting public notification procedures, on the following basis:

(i) Subsection D.9 – Notification and Public Participation Procedure is amended by deleting Policies D.9.1 ii) and iii) and replacing them with the following new policies:

D.9.1 ii) Notification of public meeting(s) for the adoption of the Official Plan and Amendments, changes to the Zoning By-law, Plans of Subdivision and Community Improvement Plans will be given to the public at least 17 days prior to the date of the meeting (s) and the notice will be given in accordance with the applicable requirements of the Planning Act regulations.

D.9.1. iii) Council decisions will take place a minimum of 17 days from the time the first notification is given, for Planning Act applications/procedures identified in Policy D.9.1. ii).

D.9.1 iv) Where a notice of public meeting or written notice of an application is required for Planning Act application, other than those identified in Policy D.9.2.ii), notice will be given in accordance with the applicable requirements of the Planning Act.

D.9.1. v) Notice of the intention of the passing of an amending by-law to remove a holding symbol will be given in accordance with the applicable requirements of the Planning Act.

D.9.1.vi) Notice of the passing of an Interim Control By-law will be given in accordance with the applicable requirements of the Planning Act.; and,

(ii) That the Director of the Planning and Development Department be directed to prepare a by-law, to the satisfaction of the City Solicitor, for submission to the Region of Hamilton-Wentworth; and,

(b) That the Council adopted policy regarding sign posting guidelines for Public Notice signs be amended to include the following additional information: date, time and location of the public meeting.

3. **AMENDMENT TO THE DOWNTOWN HAMILTON COMMUNITY IMPROVEMENT PLAN**

Hazel Milsome advised that until recently the maximum conversion has been eight units and now the maximum amount has been determined as $500,000 per property. These amendments must receive Ministry approval.

As recommended in a report from the Commissioner of Public Works and Traffic, the Committee recommended to Council as follows:

(a) That the section titled "Maximum Loan", of Appendix "A" to the Downtown Hamilton Community Improvement Plan adopted by By-law 97-140 and subsequently amended by By-law 98-212, that describes the terms of the Hamilton Downtown Convert/Renovate-to-Residential Loan Program, be repealed and replaced with Appendix "C" attached; and,

(b) That the amendment to the Downtown Hamilton Community Improvement Plan be submitted to the Ministry of Municipal Affairs and Housing for the appropriate approval; and,

(c) That the City Solicitor be authorized to prepare the requisite By-law for (a) above.

*** ALDERMAN COPPS OPPOSED.**

4. DELEGATION

Commercial Property Improvement Loan Program: Business Improvement Area and Business Association Co-ordinating Committee - Mary Pocius & Sheilagh Snider

Ms. Snider advised that in 1993, the City allocated money from the Community Improvement Plan to the Commercial Property Improvement Loan Program. They are still waiting for Ministry approval on this program. In September, 1997, there was an approved allocation of $105,000 for three years and because of the recession people have not been accessing the Commercial Improvement Loan Program.

Mary Pocius stated that in the downtown area there have been multiple pieces of property which have changed ownership to the tenants. The tenants are now waiting for the program to become available. Ms. Snider concluded by stating that they would like monies to become available to small businesses as well as large investors.

She concluded by stating that the Business Improvement Areas have concerns that the fund will disappear.

In response to a question from Alderman Eisenberger, Mr. Mascarenhas stated that there is presently $500,000 in the Commercial Property Improvement Loan Program account.

He stated that they have never had an application that has been turned down because of lack of funds. He distributed a spread sheet to the Committee with regard to a requests from past years.

Alderman Charters was concerned that monies has not left the fund and we have yet to get Ministry approval. He stated that people should be thankful that there is interest in the downtown core and they are willing to invest in the downtown core. Alderman Corsini concurred.

Alderman Kelly concurred and stated that there is no indication that there are problems with lack of money at this point. He stated that people may still put in their applications in and that we cannot turn our backs on the large projects.

Following discussion, the Chairperson thanked Ms. Pocius and Ms. Snider for attending and the Committee was resolved to receive the Report.

5. BUILDING COMMISSIONER

30 Norfolk – Demolition

Submissions were received from the following:

a) C. R. Grigg, 35 Thorndale Street North, Hamilton dated 1998 November 3

b) Betty and Jim Bechtel, dated 1998 November 2 via e-mail

c) Betty Bechtel dated 1998 November 2 via e-mail

d) Petition from 5 residents in the surrounding neighbourhood

e) Letter from Lynda and C. R. Grigg dated 1998 November 2

Alderman Caplan declared an interest for reasons of litigation and refrained from discussing or voting on this matter.

Willy Wong gave a brief history of the application. He explained that in August 1997 the original application was submitted October 22, 1997 it was tabled. On October 15 of this year Ms. Jones requested that the application be once again putforth.

Willy Wong advised the Committee can approve, deny or do nothing. If the decision is delayed, the applicant can have the right to appeal to the Ontario Municipal Board. If no decision is made within 30 days, the applicant has a right to appeal the decision to the Ontario Municipal Board

Alderman Eisenberger stated that the Committee should deal with this application on its own merits.

Art Zuidema advised that if approved it can be approved with conditions or without conditions.

Willy Wong advised that the lot is 30 feet wide and under the current standards it must have two parking spaces and three feet side yards.

Alderman Eisenberger stated that we now have the monster homes by-laws in effect and therefore monster homes cannot be erected.

The Committee adjourned in-camera to discuss property matters and reconvened immediately thereafter with the following report:

It was moved and seconded that a demolition permit for the dwelling located at 30 Norfolk Street North be issued subject to the following conditions:

a) the applicant has applied for and received a building permit for a replacement dwelling on this property; and

b) the said building permit specifies that the replacement dwelling be erected within two years of the demolition of the existing dwelling on this property; and

c) the said building permit for the replacement dwelling specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of $20,000; and

d) the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk listed below) in a form satisfactory to the Building Commissioner and to the City Solicitor; and,

e) if the said replacement building is not erected as required, the City Clerk be authorized to add the said sum to the collector's roll, which sum shall remain a lien upon the property until paid.

Recorded vote.

YEAS: Aldermen Kelly, Eisenberger, Charters –3.

NAYS: Aldermen D'Amico, Copps, Haining, Corsini. –4. **DEFEATED.**

The Committee resolved to suspend the Rules of Orders to allow an unscheduled delegation.

Recorded vote.

YEAS: Aldermen D'Amico, Copps, Corsini and Kelly. –4.

NAYS: Aldermen Eisenberger and Charters. –2. **CARRIED.**

Mr. Grigg, 35 Thorndale Street North stated that this proposal will affect the long term viability in the area. He also stated that demolition control has been applied and that the house is in good condition. The gravel at 28 Norfolk Avenue is not permitted and that background garden is being used for storage of construction material which has since has been removed by the City of the Region. He suggested that this is not good planning and will spoil the streetscape and it might create hazardous pedestrian crossing. He requested that the applicant be denied or referred back until the lawsuit is resolved.

Subsequently the following resolution was forwarded to Council for approval:

That no action be taken on the request for a demolition permit for 30 Norfolk Street

THE COMMITTEE CONCURRED THAT ITEM 7 BE HEARD PRIOR TO ITEM 6.

7. DIRECTOR OF PLANNING AND DEVELOPMENT (peviously tabled items)

Keith Extance advised that additional information has been provided with regard to building improvements, price of units and tenant questionnaire results.

a) Proposed Draft Plan of Condominium – Condominium Conversion (CDM-CONV-98-010) 893 Concession Street

The Committee was in receipt of a report dated 1998 September 10 from the Director of Planning and Development recommending denial, and further information report dated 1998 October 23.

The Committee moved to approve the application and recommended to Council:

(a) That approval be granted to application CDM-CONV-98-010 (Regional File 25CDM-98013) submitted by Lapa Investments Ltd., owner, for a draft plan of condominium for property located at No. 893 Concession Street, as shown on the attached Plan marked as Appendix "D" to provide for a condominium comprised of 22 individual apartment condominium units, subject to the following conditions:

(i) That this approval applies to the attached draft plan dated June 29, 1998 (Appendix "D") prepared by A.J. Clarke and Associates Ltd.; and,

(ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,

(iii) That prior to approval of the final plan:

(1) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and,

(2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593. In particular, and not limited to, a successful application to the Committee of Adjustment is required to address the required parking and loading spaces; and,

(b) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

*** ALDERMAN CHARTERS OPPOSED.**

b) Proposed Draft Plan of Condominium – Condominium Conversion (CDM-CONV-98-009: 37-57 Mericourt Road

The Committee was in receipt of a report dated 1998 September 10 from the Director of Planning and Development recommending denial, and an information report dated 1998 October 23.

The Committee moved to approve the application and recommend to Council as follows:

(a) That approval be granted to application CDM-CONV-98-009 (Regional File 25CDM-98012) submitted by Gaspar & Silva Ltd., owner, for a draft plan of condominium for property located at No. 37-57 Mericourt Road, as shown on the attached Plan marked as Appendix "E", to provide for a condominium comprised of 66 individual apartment condominium units, subject to the following conditions:

(i) That this approval applies to the attached draft plan dated June 25, 1998 (Appendix "E") prepared by Consoli & Jacobs Surveying Limited; and,

(ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,

(iii) That prior to approval of the final plan:

(1) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and,

(2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593; and,

(b) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

*** ALDERMAN CAPLAN OPPOSED.**

c) Proposed Draft Plan of Condominium – Condominium Conversion (CDM-CONV 98-007: 293 Mohawk Road East

The Committee was in receipt of a report from the Director of Planning dated 1998 September 10 recommending the denial and an information report datd 1998 October 23.

The Committee moved to approve the application and recommended to Council:

(a) That approval be granted to application CDM-CONV-98-007 (Regional File 25CDM-98009) submitted by Barton Ellis Holdings Limited (In Trust), owner, for a draft plan of condominium for property located at No. 293 Mohawk Road East, as shown on the attached Plan marked as Appendix "F", to provide for a condominium comprised of 24 individual apartment condominium units, subject to the following conditions:

(i) That this approval applies to the attached draft plan dated March 24, 1995 (Appendix "F") prepared by Consoli & Jacobs Surveying Ltd.; and,

(ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,

(iii) That prior to approval of the final plan:

(1) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and,

(2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593. In particular, and not limited to, compliance in regard to parking space dimensions, manoeuvring spaces and access driveways and, if necessary, obtaining appropriate Committee of Adjustment variances; and,

(b) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

*** ALDERMAN CHARTERS OPPOSED.**

(d) Settlement Options – Conservation Review Board Appeal Re: McMaster University Historic Core.

Alderman Charters stated that he has concerns with the composition of the Committee. He suggested that the Planning and Development Committee and the Chairperson of LACAC be the negotiators since the Planning and Development Committee will be making the ultimate recommendation to Council. Mr. Abraham explained that City staff will sit down with the McMaster University Historic Core Staff and come back to the Planning and Development Committee with the information.

Following brief discussion, the Committee resolved to approve the recommendation of the Director of Planning and Development dated 1998 October 23 as amended to change the composition of the Committee in subsection (b) and recommended to Council as follows:

(a) That Council approve the investigation of settlement options with McMaster University regarding the proposed designation of the University's Historic Core under the Ontario Heritage Act; and,

(b) That, for this purpose, Council approve the establishment of a special review committee consisting of the Planning and Development Committee and the Chairman of LACAC to commence negotiations and report back with recommendations to Council; and,

(c) That the process begin with discussions at the staff level as suggested by representatives of McMaster University.

6. REFERRAL FROM COUNCIL

V. Abraham stated that the increase of fees does not cover 100% of cost but that it reduces the stress on taxpayers.

As recommended in a report of the Director of Planning and Development dated 1998 October 28, the committee recommended to Council as follows:

(a) That the proposed Planning Tariff Fees for planning applications, as contained in Appendix "G" be approved; and,

(b) That the City Solicitor be directed to further amend By-law 97-084 to incorporate the new fee structure; and,

(c) That the Planning and Development Department staff be directed to participate in ongoing liaison with the HHHBA to review total fee charges for the housing industry and other ongoing planning issues and concerns.

*** ALDERMAN CHARTERS OPPOSED.**

8. CITY SOLICITOR

Fourth Real Properties Ltd., Lessee, Lloyd D. Jackson Square – Application by Lessee for Approval to leasehold Mortgage

As recommended by the City Solicitor in a report dated 1998 October 2, the Committee recommended to Council as follows:

That approval be granted to the application of Fourth Real Properties Limited, (which holds a ninety-nine year Ground Lease from the City of the portion of Jackson Square known as the Standard Life Building, 120 King Street West), to a new first mortgage of the Ground Lease by our Lessee, as borrower, in favour of Royal Trust Corporation of Canada, Mortgagee, in an amount not exceeding $56,900,000. at an interest rate not exceeding 7%, for a term of 10 years, subject to the following conditions:

(a) That the tenant's new leasehold mortgage be subject to the rights of the City as Lessor under the Ground Lease dated 1981 June 1, entered into by the City as Lessor and Fourth Real Properties Limited (formerly Fourth Phase Civic Square Limited) as Lessee; and,

(b) That the tenant's new leasehold mortgage be a first mortgage in favour of Royal Trust Corporation of Canada, Trustee for The Standard Life Assurance Company; and,

(c) That Royal Trust Corporation of Canada and Fourth Real Properties Limited enter into and deliver to the City:

(i) the City's Lloyd D. Jackson Square "Consent to Mortgage Agreement", in which the Mortgagee agrees to be bound by the Ground Lease if it were to take over the Lease; and,

(ii) an Undertaking to the City to abide by the obligations of Fourth Real Properties Limited under the Hotel Interface Agreement dated 1984 July 30; and,

(d) That the Mayor and City Clerk be authorized to execute the City's Consent Agreement in a form satisfactory to the City Solicitor. The Agreement shall be registered by the Lessee on title the premises leased from the City.

9. **CONSENT AGENDA:**

(A) ADOPTION OF THE MINUTES

Minutes of the meeting held 1998 October 21 were approved as amended as follows:

To change reference in Item 1 from "units" to "persons" in every case; to delete the second line in the second paragraph; and, also to record Alderman Copps as opposed on the voting of this item.

THE FOLLOWING RECOMMENDATIONS WERE FORWARDED TO COUNCIL FOR APPROVAL:

(B) BUILDING COMMISSIONER

276 Wellington Street North - Demolition dated October 23, 1998:

That the Building Commissioner be authorized to deny a demolition permit until a building permit has been issued to replace the subject building at 276 Wellington Street North.

(C) DIRECTOR OF PLANNING AND DEVELOPMENT

Draft Plan of Condominium CDM-CONV-98-011 by Herminio Silva – 29 Sherman Avenue South Stipeley Neighbourhood dated October 22, 1998

(a) That approval be given to application CDM-CONV-98-011, Herminio Silva, applicant, to establish a draft plan of condominium, located at No. 29 Sherman Avenue South, as shown on the attached maps marked as Appendices "H" and "I", to provide for a condominium comprised of a total of 23 residential apartment units within the existing four storey building, subject to the following conditions:

(i) That this approval applies to the attached draft plan, attached as Appendix "J", as redline revised and dated July 5, 1998 prepared by Consoli & Jacobs Surveying Ltd. and certified by Bryan Jacobs, O.L.S.; showing a total of 23 residential apartment units within an existing four storey building; and,

(ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City, concerning

roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,

(iii) That prior to approval of the final plan:

(1) Property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law 6593 and the Official Plan; and,

(2) The applicant/owner shall provide proof to the satisfaction of the City of Hamilton Building Commissioner, that the existing building and lands, including gross floor area, landscaped area, parking area, loading spaces and access driveways, are legally established non-conforming, OR,

Any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593; and,

(iv) That the owner shall have received the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the rental property to a condominium (Application CD-97-004); and,

(v) That the owner shall have satisfied all requirements, financial and otherwise of the Regional Municipality of Hamilton-Wentworth and that the City be advised by the Regional Municipality of Hamilton-Wentworth that this condition has been carried out to its satisfaction. The clearance letter from the Regional Municipality shall include a brief statement for each condition detailing how it has been satisfied and carried out; and,

(vi) That the Director of Planning and Development shall have been satisfied that the conditions of approval are fulfilled or provided for as required.

(b) That the Mayor and the City Clerk be authorized to grant approval by signing the draft plan; and,

(c) That the Mayor and City Clerk be authorized to sign the final plan of the condominium once the requirements are completed.

*** ALDERMAN COPPS OPPOSED.**

D) CITY CLERK

Release of Building Convenants -105 Cascade Street, Hamilton, (Covenants as Contained in Instrument Number AB321337 and AB321337Z (PIN 17309-0027 (LT) Dated 1998 October 19:

(a) That the City of Hamilton provide a release for the current owner of the property known as 105 Cascade Street from the construction covenants to the City as contained in Instrument Numbers AB321337 and AB321337Z registered on 1973 December 28; and,

(b) That the Mayor and City Clerk be authorized and directed to execute the necessary documents.

E. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

(i) **Heritage Permit Application – 109-111 Charles St. dated 1998 October 21**

That a Heritage Permit be approved for alterations to the front entrance stairways and landings of the semi-detached stone house at 109-111 Charles Street located in the MacNab-Charles Heritage Conservation District, as shown on the drawing attached hereto and marked as Appendix "K".

(ii) **Heritage Permit Application – 182 St. Clair Boulevard dated 1998 October 21:**

That a Heritage Permit be approved for an extension to the front of the rear yard garage at 182 St. Clair Boulevard located in the St. Clair Boulevard Heritage Conservation District, as shown on the drawing attached hereto and marked as Appendix "L".

F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Item

The Committee approved the previously received information item as follows:

Secretary, LACAC re: Minutes of the Meeting held 1998 September 21.

10. OTHER BUSINESS

The Committee was in receipt of a piece of correspondence from Alderman D. O'Sullivan dated 1998 November 3, requesting the consideration of the closure of a walkway at Forest Gate Drive in the Fessenden Neighbourhood.

The Committee resolved to direct staff to undertake a study to review a walkway closure at Forest Gate Drive in the Fessenden Neighbourhood and that a report come back to the Planning and Development Committee.

11. ADJOURNMENT

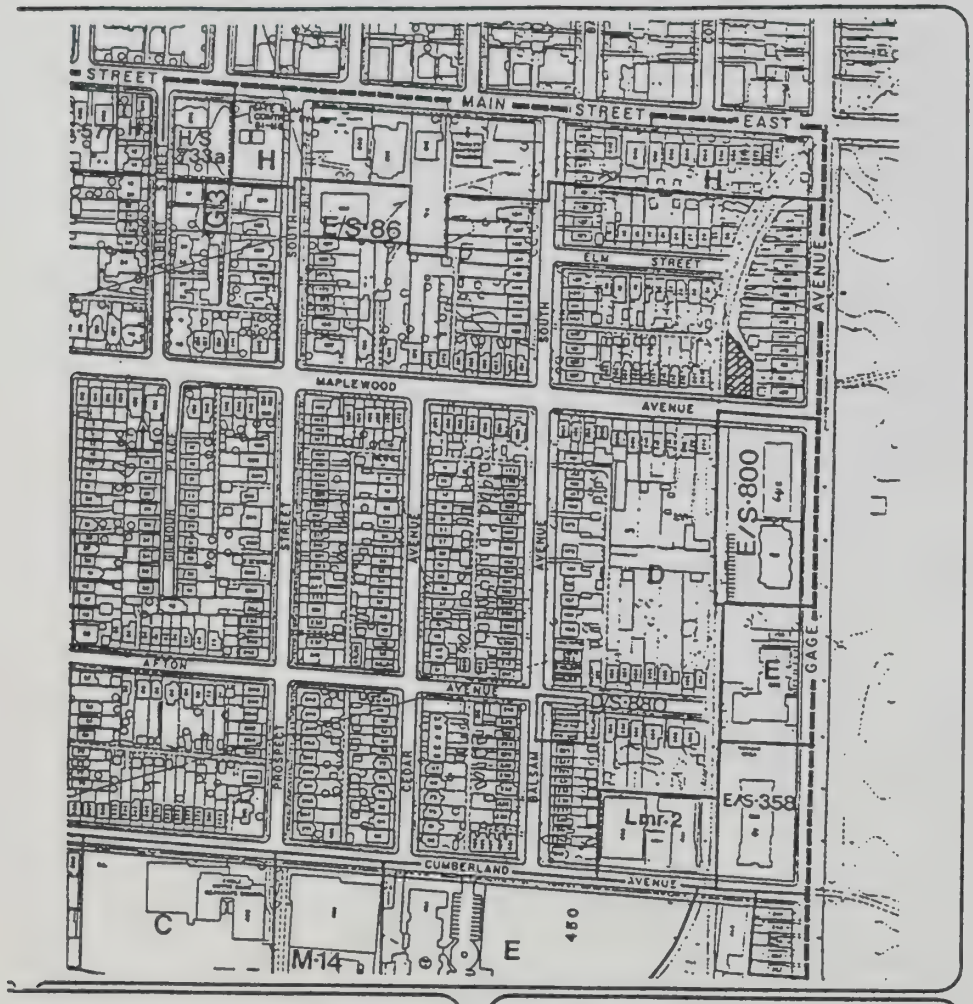
There being no further business, the meeting then adjourned.

Taken as read and approved.

Alderman F. D'Amico
Chairperson
Planning and Development Committee

T. Agnello
Secretary

Appendix "A" referred to in Section 1 of
the Planning and Development
Committee Minutes for 1998



Legend

Site of the Application

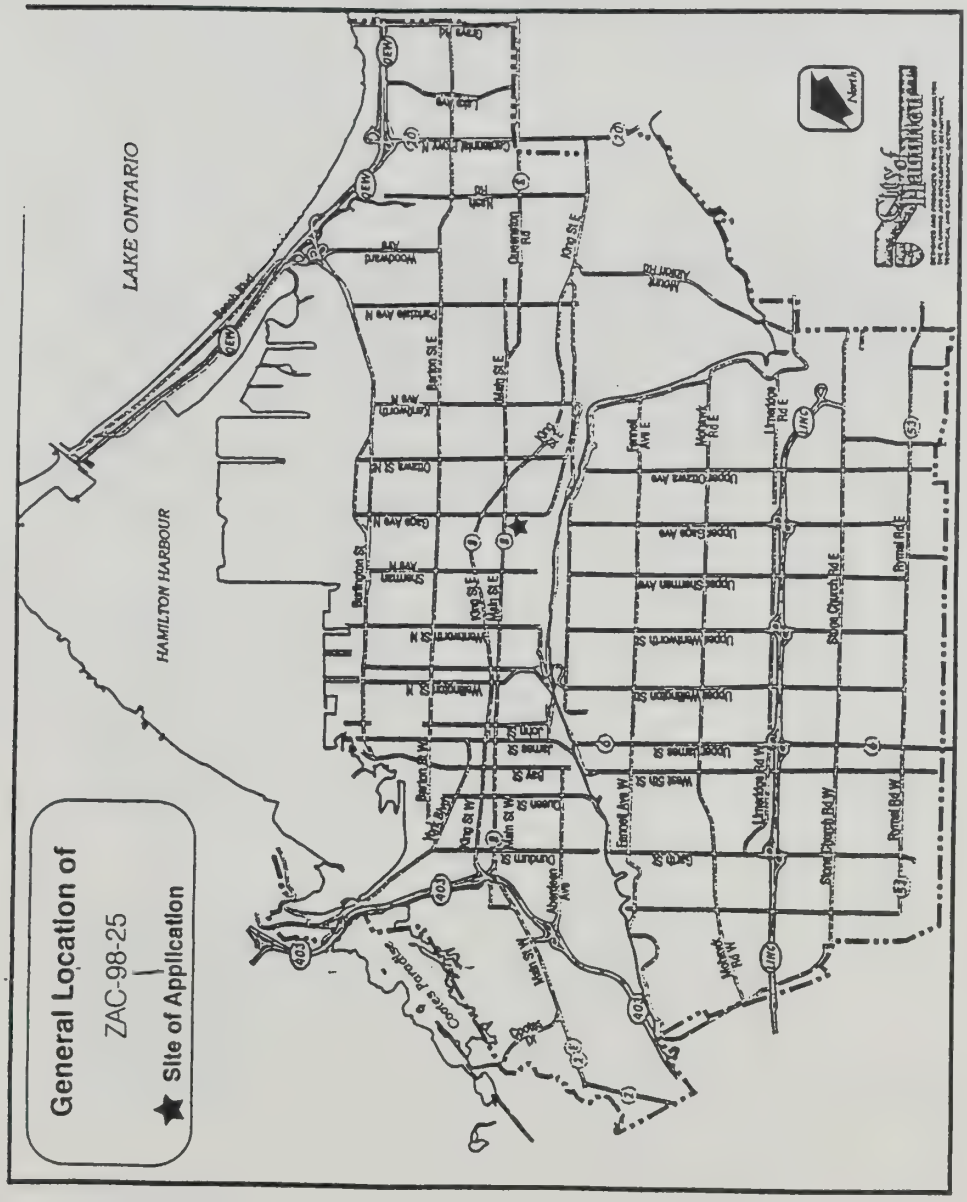
City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File number
	NOT TO SCALE	ZAC-98-25
	Date	Drawn By
	June 1998	F.A.

Appendix "B" referred to in Section 1 of
the Planning and Development
Committee Minutes for 1998

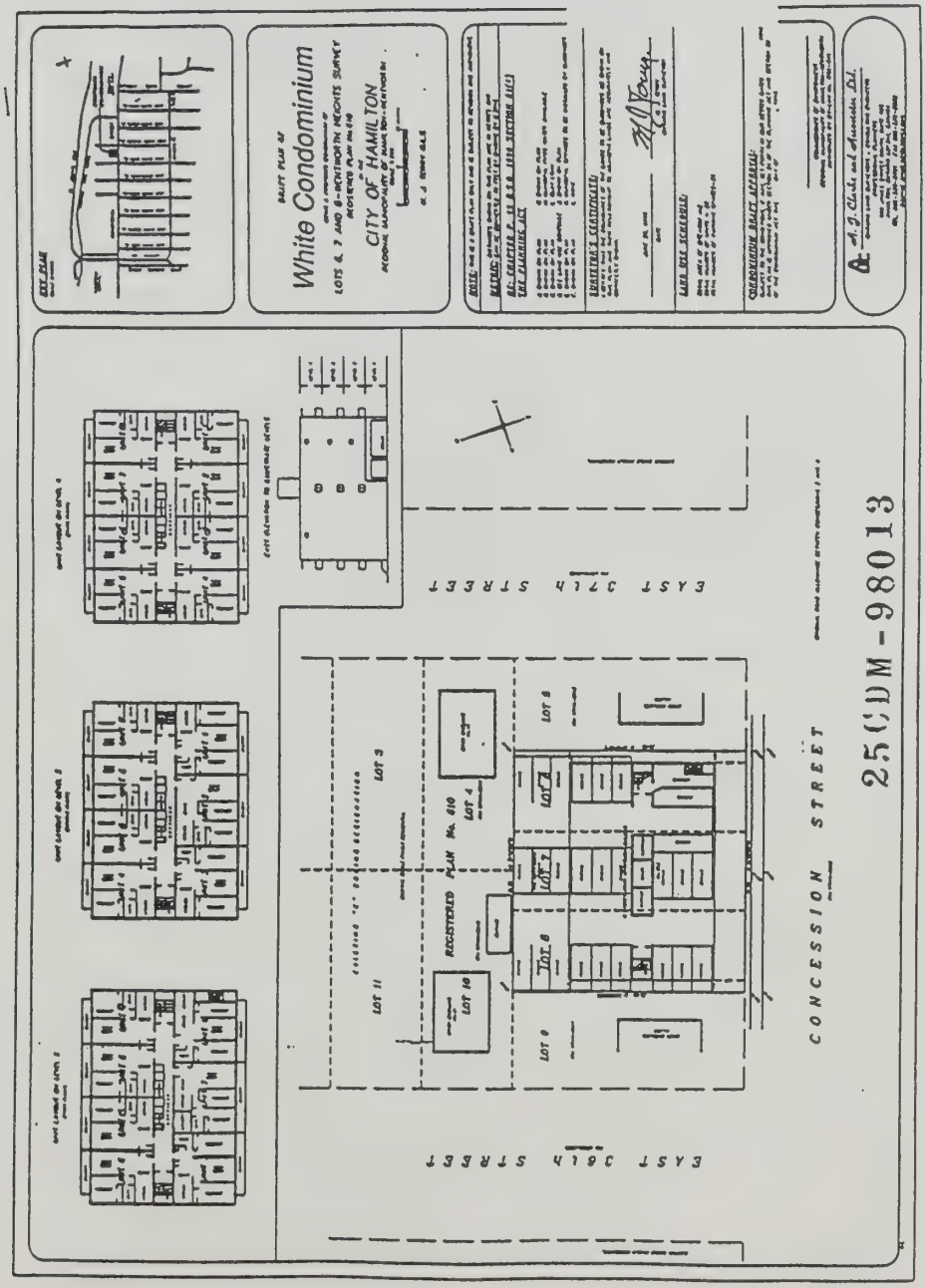


Appendix "C" referred to in Section 3 of the Planning and Development Committee Minutes for 1998

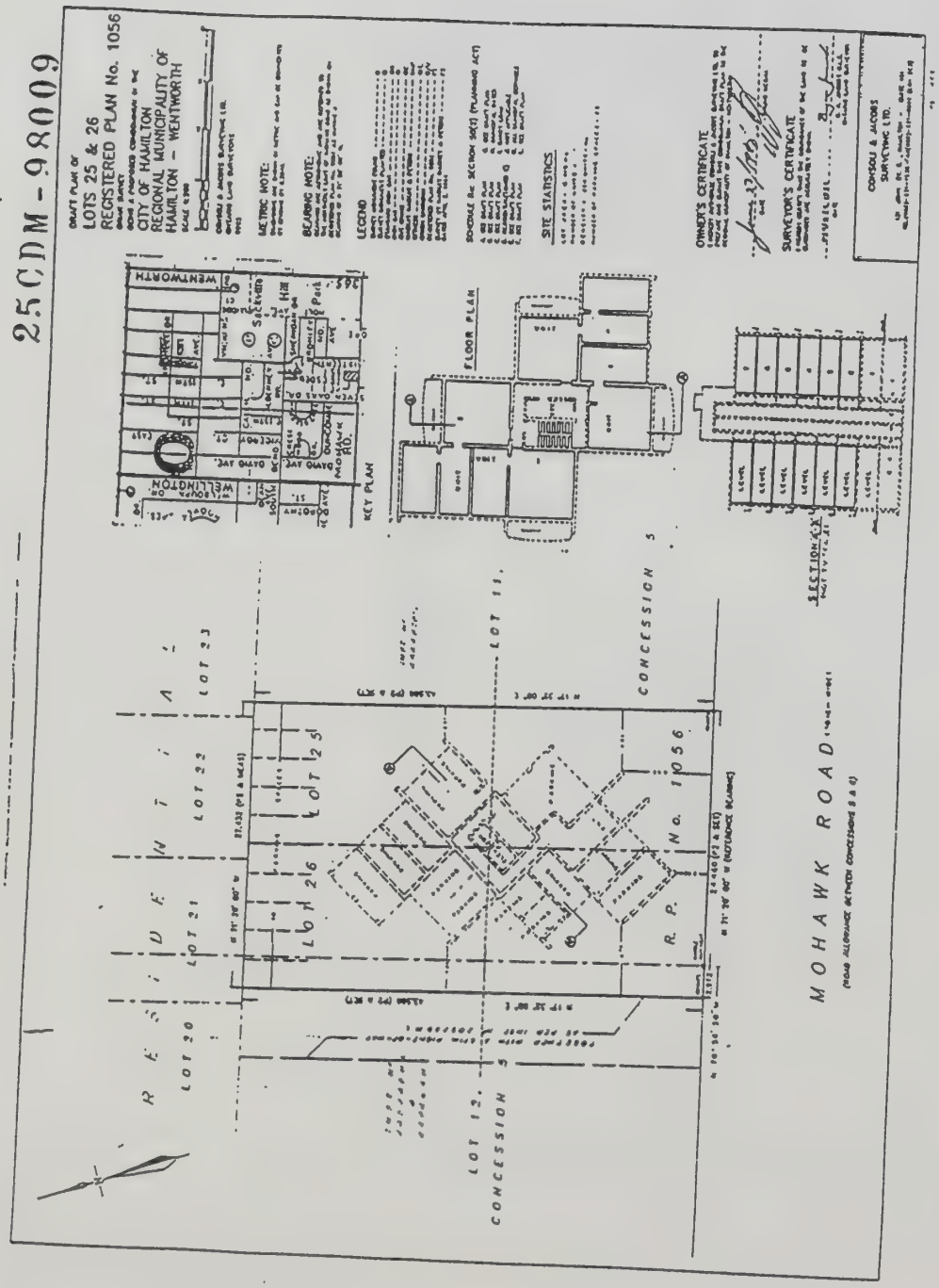
MAXIMUM LOAN:

The lesser of cost or $12,000 per unit maximum for units 600 sq. ft. or less. Unit size in excess of 600 sq. ft., per unit, qualifies for additional assistance at the rate of $20 per sq. ft. to a maximum of $20,000. Loans are for a maximum of $500,000 per deeded property.

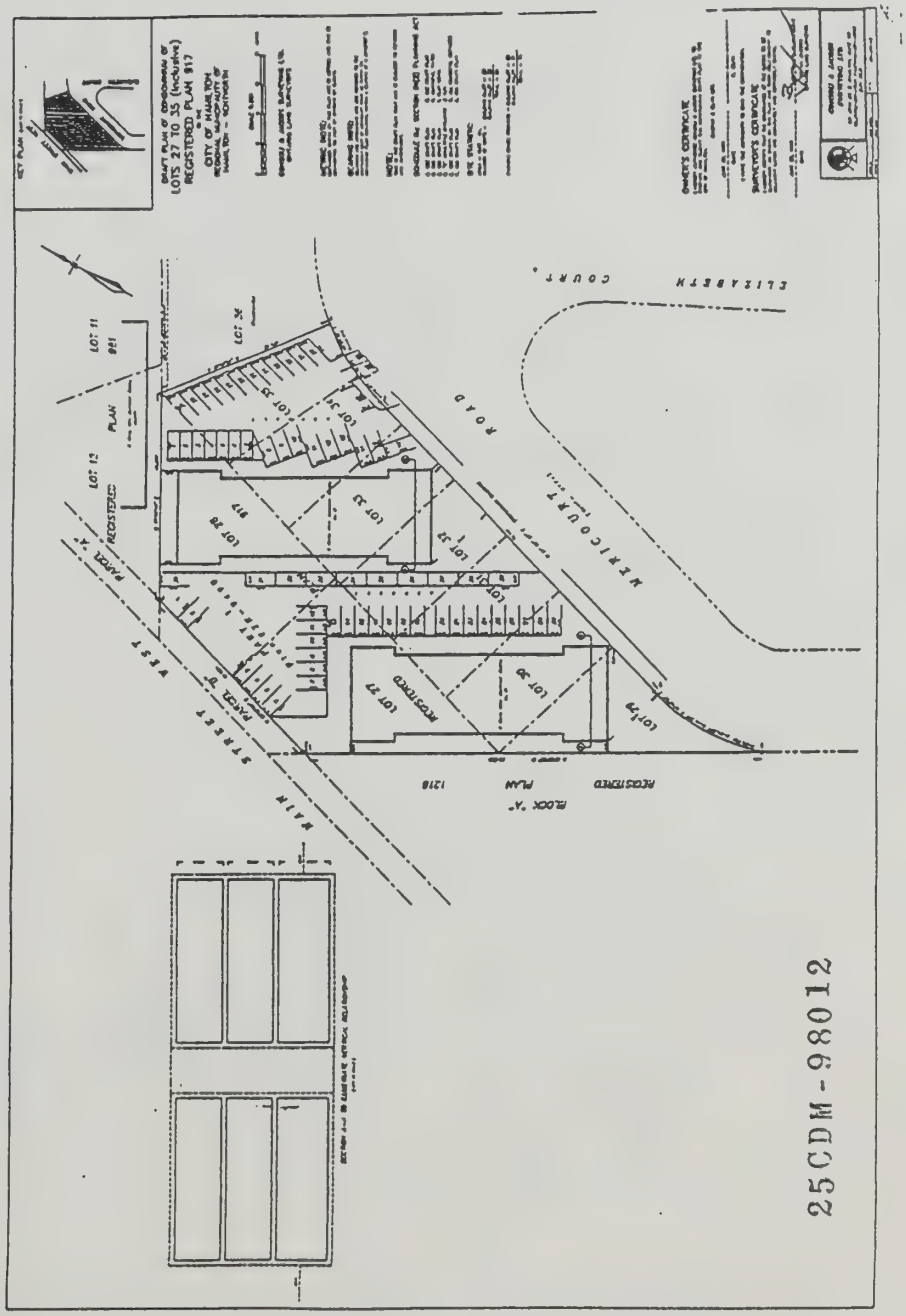
Appendix "D" referred to in Section 7 (a)
of the Planning and Development
Committee Minutes for 1998



Appendix "E" referred to in Section 7
(b)of the Planning and Development
Committee Minutes for 1998



Appendix "F" referred to in Section 7 (c)
of the Planning and Development
Committee Minutes for 1998

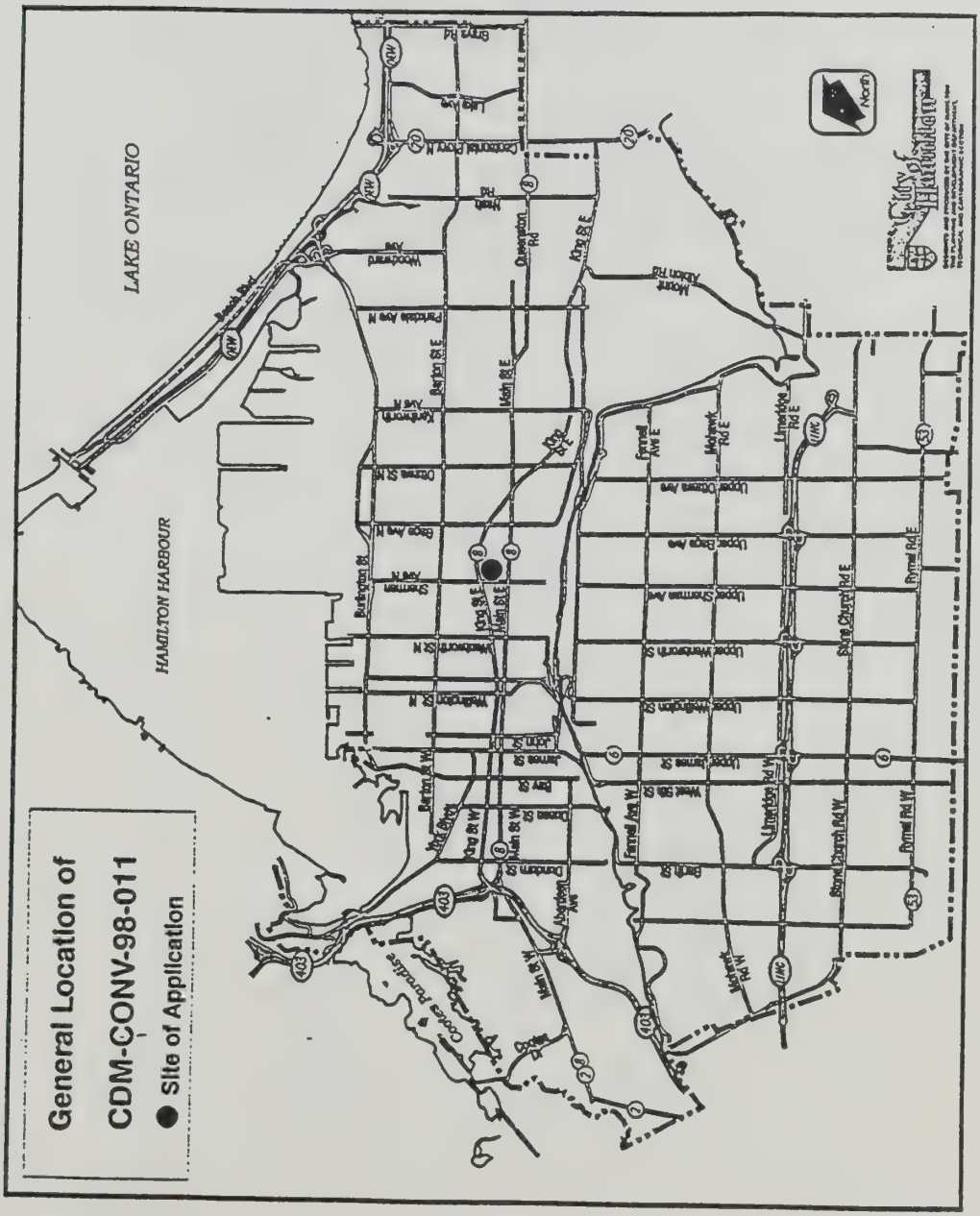


Appendix "G" referred to in Section 6 of
the Planning and Development
Committee Minutes for 1998

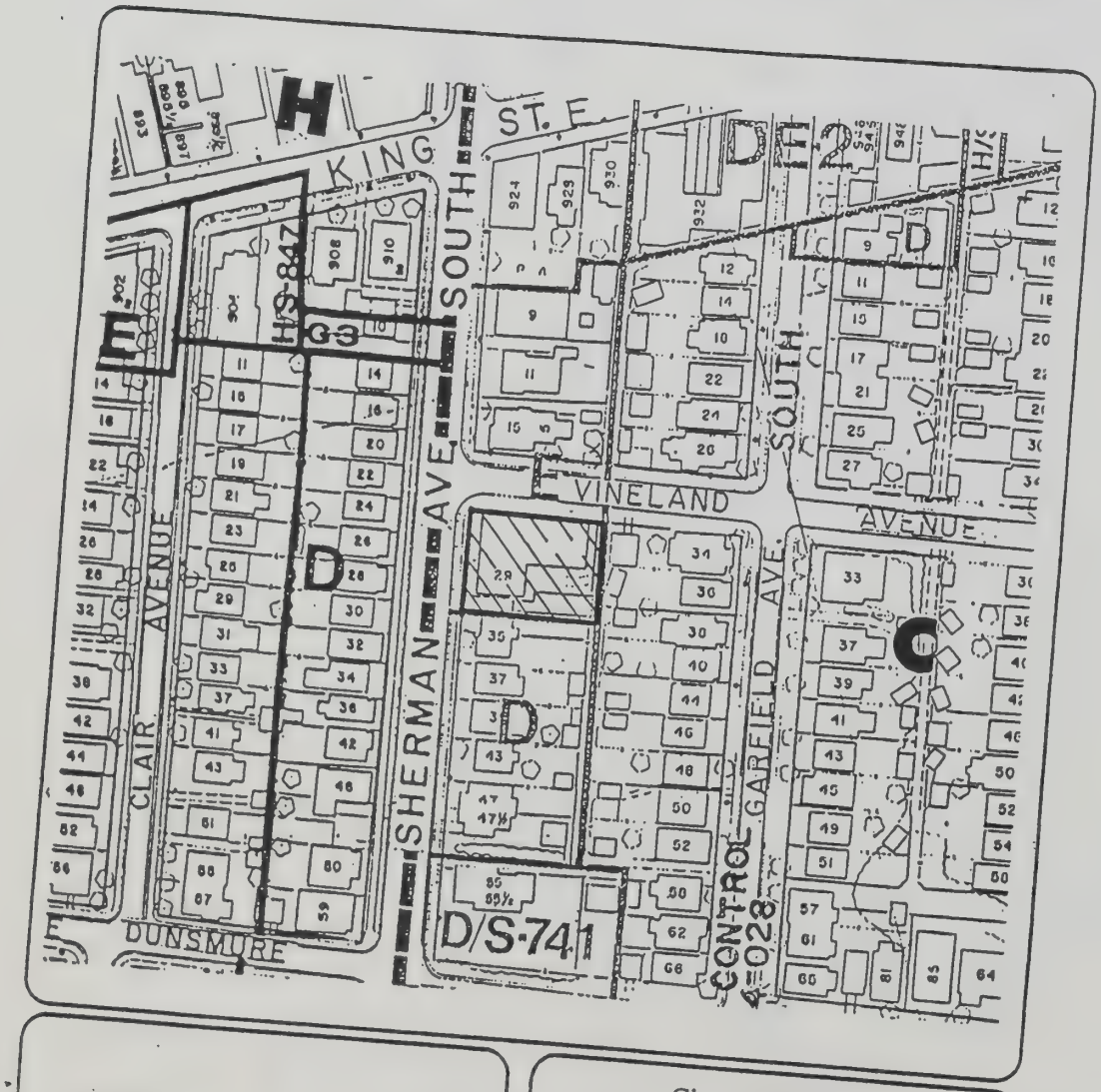
PLANNING FEES

APPLICATIONS	CURRENT FEE	CONSULTANT RECOMMENDED FEE	PROPOSED FEE	FEE INCREASE	ESTIMATE # OF APPLICATIONS	FEES GENERATED
1. Rezoning						
• Routine	$ 900	$1,300	$1,200	$300	10	$ 12,000
• Complex - Phase I	$1,165	$1,680	$1,500	$335	30	$ 45,000
- Phase II	$ 635	$ 915	$ 800	$165	20	$ 16,000
Sub-Total						$ 73,000
2. Oficial Plan Amendment						
• Phase I	$1,165	$1,950	$1,500	$335	10	$ 15,000
• Phase II	$ 635	$1,925	$ 800	$165	8	$ 6,400
Sub-Total						$ 21,400
3. Site Plan Control						
• Site Plan Applications	$1,160	$2,040	$1,500	$340	35	$ 52,500
• Revisions to Plans	$ 425	n/a	$ 550	$125	5	$ 2,750
• Preliminary Review	$ 425	n/a	$ 550	$125	5	$ 2,750
• Exemption Requests	$ 80	n/a	$ 150	$ 70	30	$ 4,500
Sub-Total						$ 62,500

Appendix "H" referred to in Section 9(c)
of the Planning and Development
Committee Minutes for 1998



Appendix "I" referred to in Section 9(c) of the Planning and Development Committee Minutes for 1998



Legend

Site of the Application

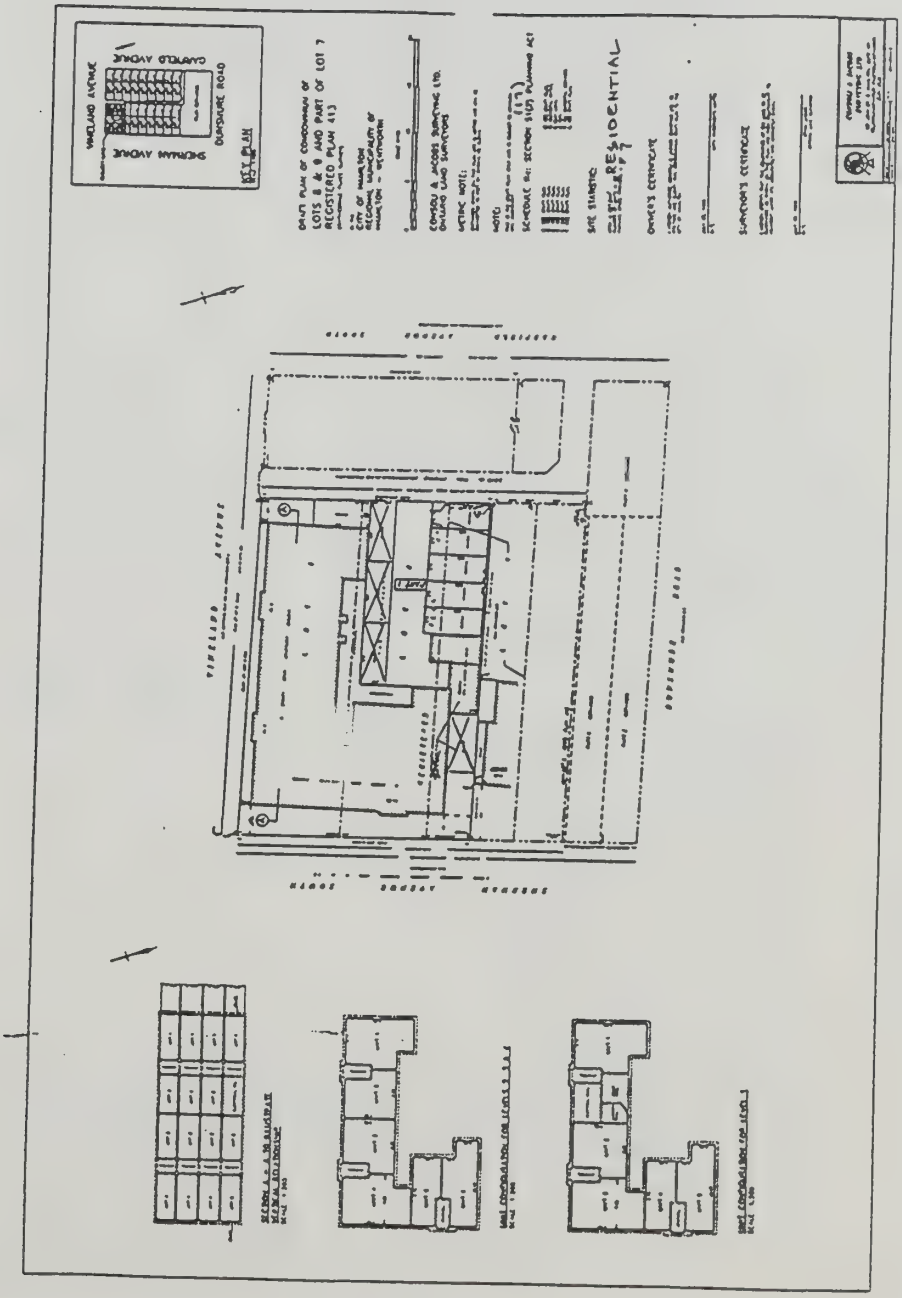
City of Hamilton

Location Map

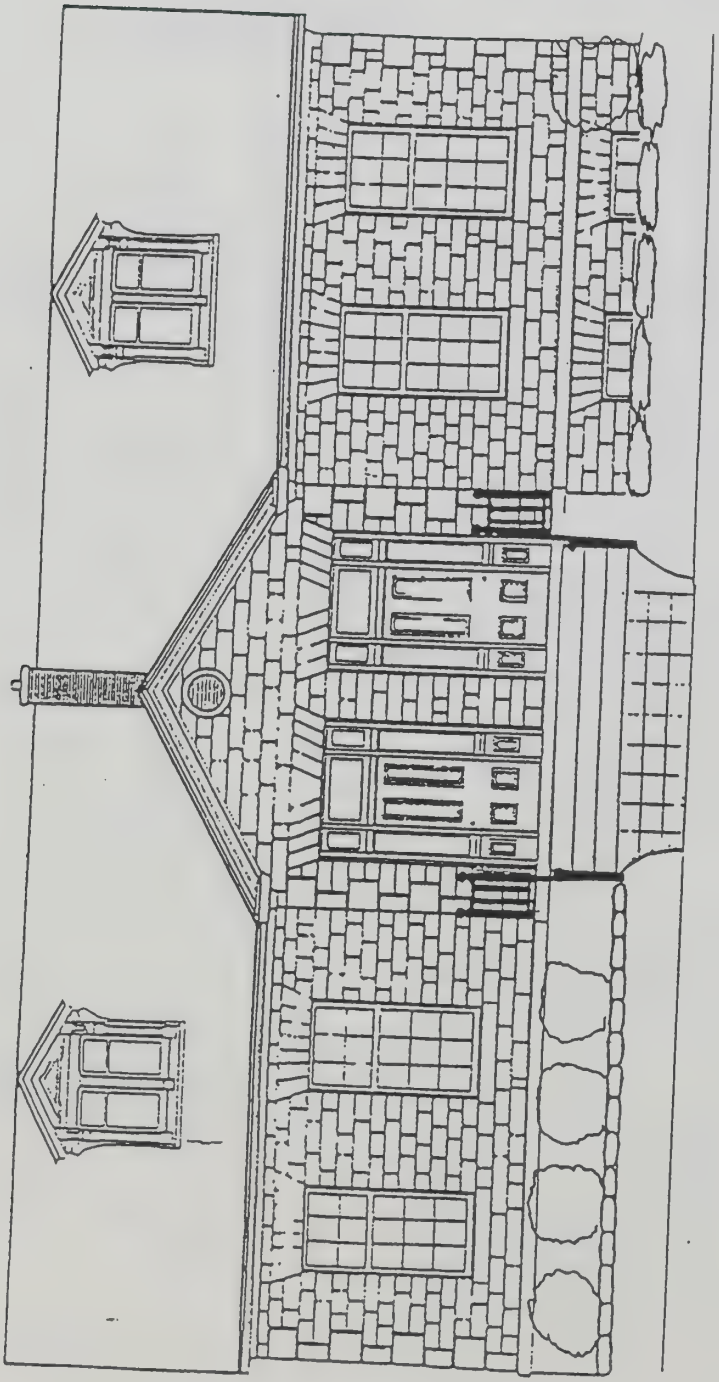
Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	COM-CONV-98-011
	Date	Drawn By
	October, 1998	K.E.

Appendix "J" referred to in Section 9 (c)
of the Planning and Development
Committee Minutes for 1998



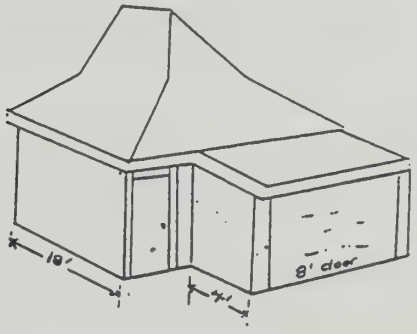
Appendix "K" referred to in Section 9(e)
of the Planning and Development
Committee Minutes for 1998



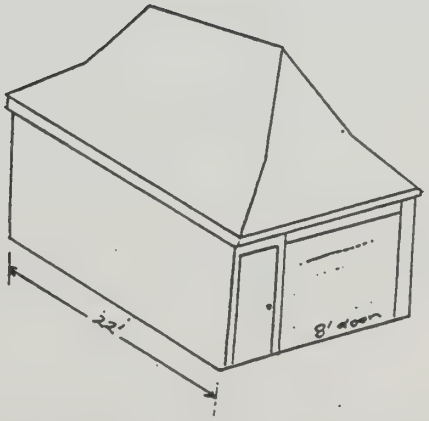
Appendix "L" referred to in Section 9 (e)
of the Planning and Development
Committee Minutes for 1998

Rear Yard Garage at 182 St. Clair Boulevard
St. Clair Boulevard Heritage Conservation District

EXISTING GARAGE



PROPOSED EXTENSION



NOTES

The original walls are double brick masonry but the existing extension is clad in wood. The new existing and new extensions will be the same double brick construction using reclaimed brick to match and tinted mortar.

The extended roof structure will be re-roofed with new red asphalt shingles to match the house roof.

The garage will have an overhead rolling metal door and the adjacent doorway will have a panelled wood door.

B i)

CITY OF HAMILTON

RECOMMENDATION

DATE: 1998 November 5

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L C King, P.Eng.
Building Commissioner

SUBJECT: Sewage Systems and the Ontario Building Code (98.2.4.2.1.A)

RECOMMENDATION:

(a) That the Solicitor, Corporate Services be authorized and directed to amend By-law 93-167, section 6A. (c)(iii) as follows:

"...Column 1 of the Table 8.2.1.5.A., 8.2.1.5.B. and 8.2.1.5.C;..." be changed to "...Column 1 of Table 8.2.1.5., 8.2.1.6.A, 8.2.1.6.B. and 8.2.1.6.C;...", and;

(b) That the Solicitor, Corporate Services be authorized and directed to amend Schedule "A" of By-law 93-167, section 11.(c) as follows:

"...for lots with existing septic systems." be changed to "...for lots with existing sewage systems.".

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The authority to regulate small on-lot sewage systems was transferred from the Environmental Protection Act to the Building Code Act on 1998 April 6. On that date, the Building Department became the authority having jurisdiction respecting permit issuance and inspection of smaller on-lot sewage systems. By-law 98-174 was previously passed on 1998 June 30 to amend By-law 93-167 with respect to building permits and fees for sewage systems.

Since the passing of By-law 98-174, the wording and numbering of various tables in the Ontario Building Code has changed. The amendments in this by-law are recommended so that the wording of "The Building Permit By-law" will remain consistent with the Ontario Building Code and the Building Code Act.

LCK/MB

B ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 November 6

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1016 UPPER PARADISE ROAD - Tag Number 98 130338
(98.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1016 Upper Paradise Road in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: D/S-1405

PRESENT USE: Single Family Dwelling (Vacant)

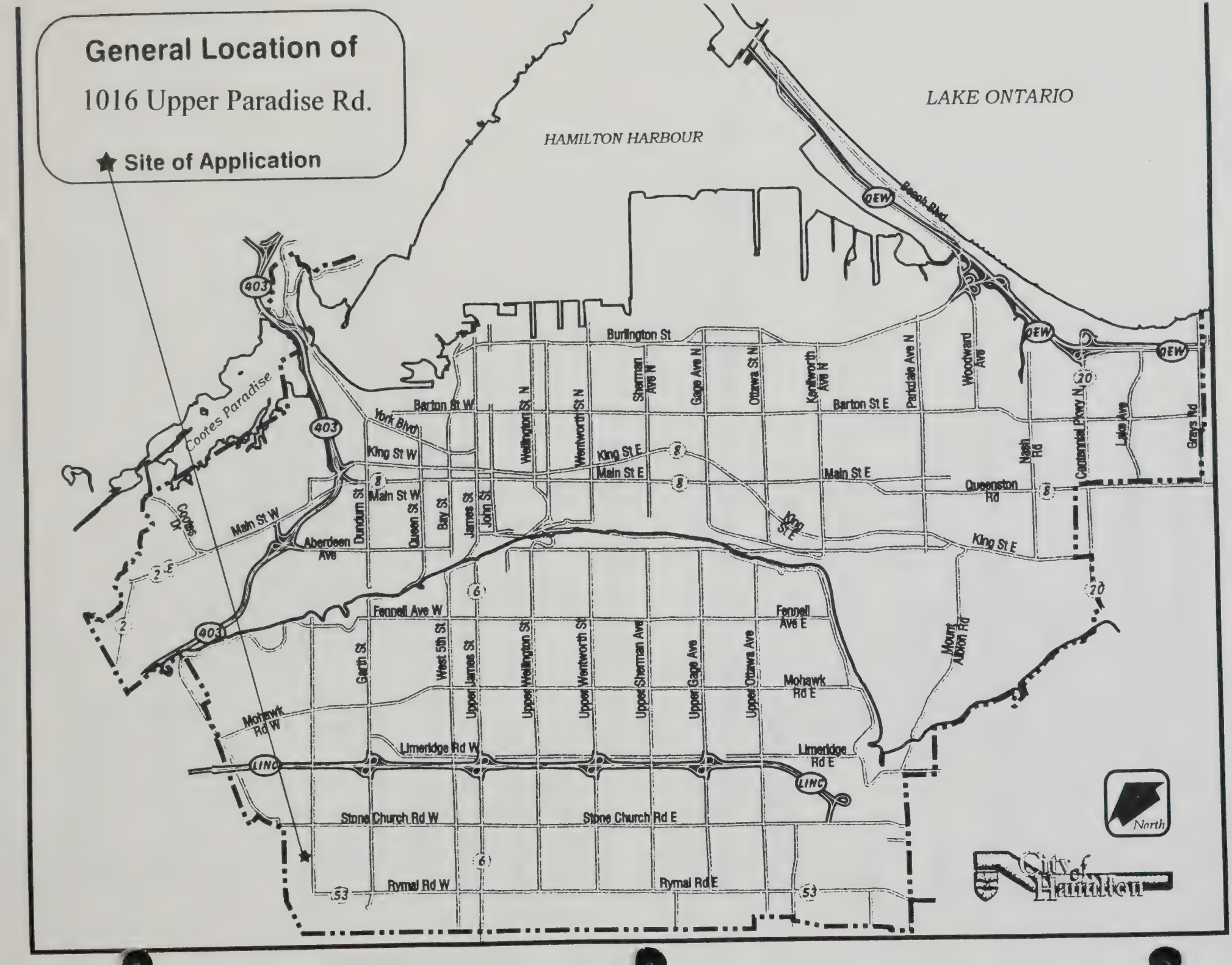
PROPOSED USE: Single Family Dwelling Development

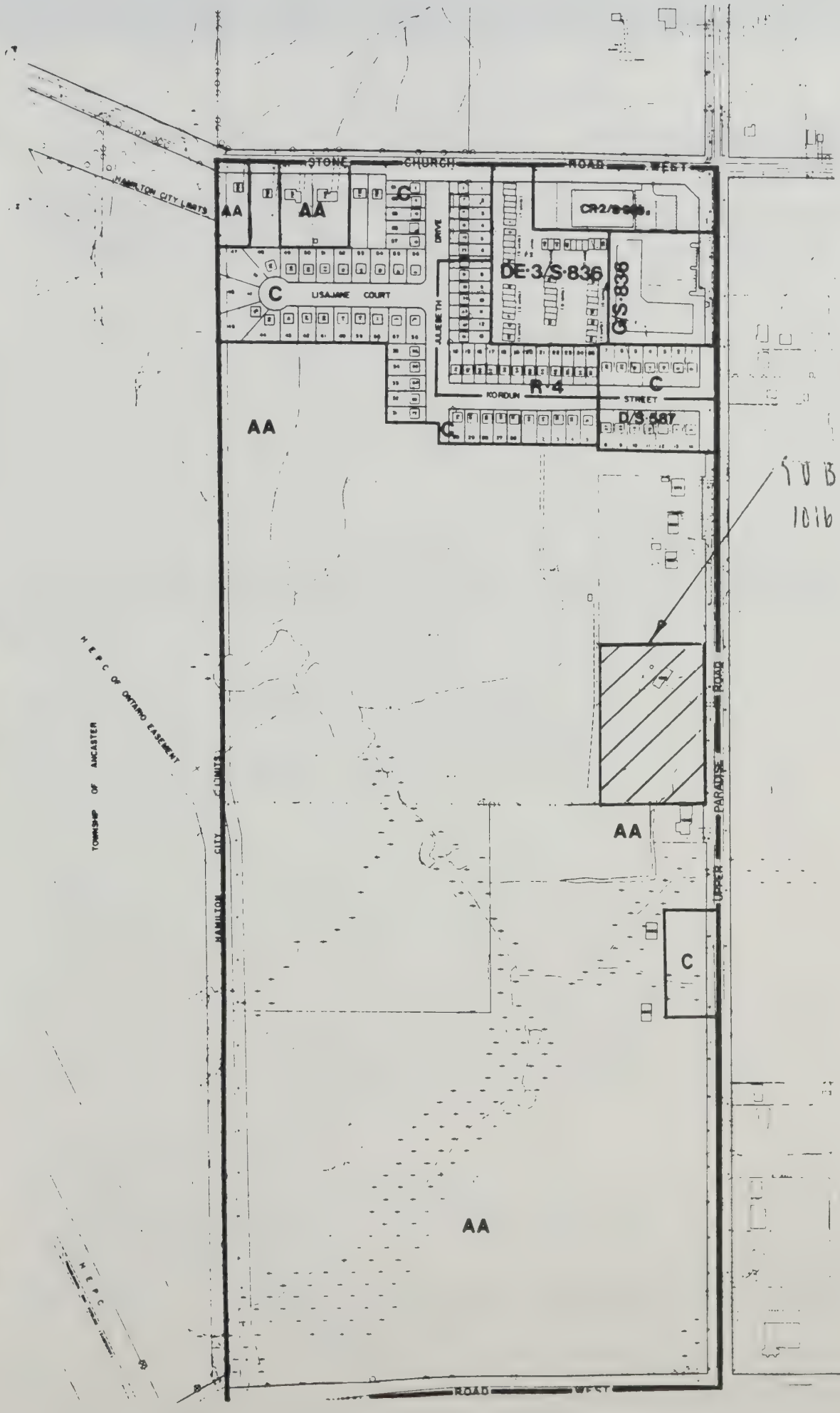
BRIEF DESCRIPTION: The owner proposes to demolish the vacant one storey single family dwelling and develop these lands under a Plan of Subdivision. The owner has commenced demolition without the benefit of a demolition permit. As a result, an Order to Comply dated October 27, 1998 has been issued on the property (see attached). This property is located in the Falkirk West Neighbourhood and is located in Ward 8 (please see attached neighbourhood map and City overview map). No LACAC interest. Lot size 137.16m x 91.44m.

The owner of the property is:

Visplar Holdings Limited
107-5803 Yonge Street
Willowdale, Ontario M2M 3V5

FP/zr


General Location of
1016 Upper Paradise Rd.
Site of Application
LAKE ONTARIO
HAMILTON HARBOUR
QEW
Beach Blvd
403
Burlington St
Barton St W
Barton St E
York Blvd
King St W
King St E
Main St W
Main St E
Cootes Paradise
Cootes Dr
Aberdeen Ave
Dundurn St
Queen St
Bay St
James St
John St
Wellington St N
Wentworth St N
Sherman Ave N
Gage Ave N
Ottawa St N
Kenilworth Ave N
Parkdale Ave N
Woodward Ave
Nash Rd
Centennial Pkwy N
Lake Ave
Grays Rd
Queenston Rd
Fennell Ave W
Fennell Ave E
Garth St
West 5th St
Upper James St
Upper Wellington St
Upper Wentworth St
Upper Sherman Ave
Upper Gage Ave
Upper Ottawa Ave
Mount Albion Rd
Mohawk Rd W
Mohawk Rd E
Limeridge Rd W
Limeridge Rd E
LINC
Stone Church Rd W
Stone Church Rd E
Rymal Rd W
Rymal Rd E
North
City of Hamilton


STONE CHURCH ROAD WEST
HAMILTON CITY LIMITS
AA
AA
C
C
LISAJANE COURT
ALLERTH DRIVE
DE-3/S-836
CR2/S-836
C
R-4
C
KORDUN STREET
D/S-587
AA
SUBJECT PROPERTY
1016 UPPER PARADISE RD
H.E.P.C. OF ONTARIO EASEMENT
TOWNSHIP OF ANCASTER
HAMILTON CITY LIMITS
AA
UPPER PARADISE ROAD
C
AA
H.E.P.C.
ROAD WEST

City of HAMILTON

THE CORPORATION OF THE CITY OF HAMILTON
BUILDING DEPARTMENT, CITY HALL, 3RD FLOOR, 71 MAIN STREET WEST
HAMILTON, ONTARIO L8N 3T4

ORDER TO COMPLY

ISSUED TO	LOCATION
Visplar Holdings Limited 107-5803 Yonge Street Willowdale, Ontario M2M 3V5	1016 Upper Paradise Rd HAMILTON, Ontario

Demolition of the dwelling

TAKE NOTICE THAT THE
AT THE ABOVE LOCATION IS IN CONTRAVENTION OF THE ACT(S) / REGULATION(S) / BY-LAW(S) AS OUTLINED BELOW

ITEM	REFERENCE	DESCRIPTION
1	The Building Code Act, S.O. 1992, Chapter 23, Section 8(1)	Demolition at the above address has commenced without the required permit being issued by the Chief Official. REQUIREMENT TO COMPLY: Obtain permit for all demolition at the above address.

AND TAKE NOTICE FURTHER THAT YOU AS THE OWNER / CONSTRUCTOR / OR PERSON APPARENTLY IN POSSESSION
AND HEREBY ORDERED TO COMPLY WITHIN seven (7) days

AND TAKE NOTICE FURTHER THAT IN DEFAULT OF COMPLIANCE WITH THE FOREGOING, YOU WILL BE LIABLE
UPON CONVICTION, TO THE PENALTIES PROVIDED BY THE SAID ACT / REGULATION / BY-LAW.

REGISTERED MAIL	October 27, 1998	P. Cobbe	October 27, 1998
RECEIVED BY	DATE	INSPECTOR	DATE

PHONE DIRECT (905) 546-2782

FORM 494

B iii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 November 6

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1088 UPPER PARADISE ROAD - Tag Number 98 130333
(98.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1088 Upper Paradise Road in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

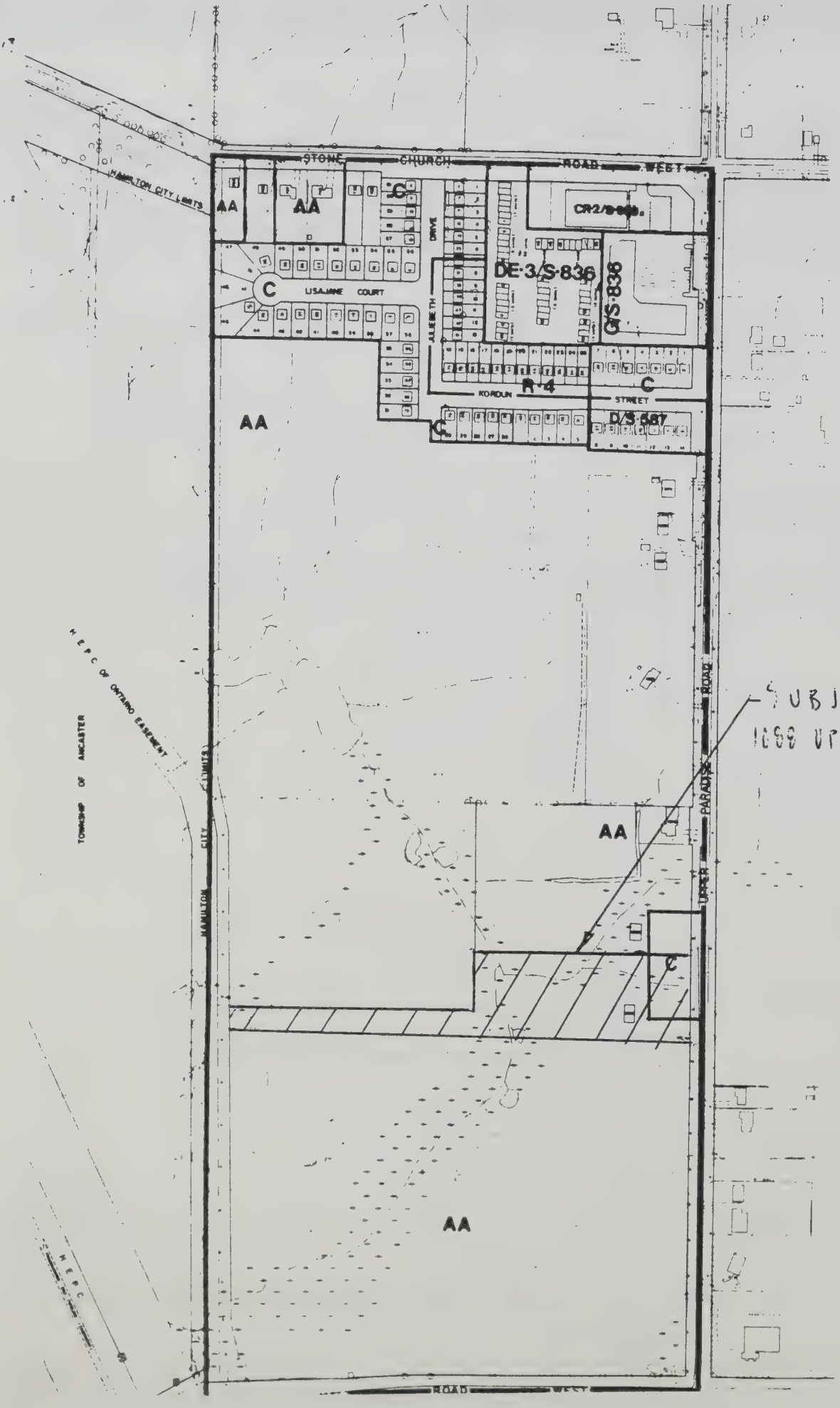
BACKGROUND:

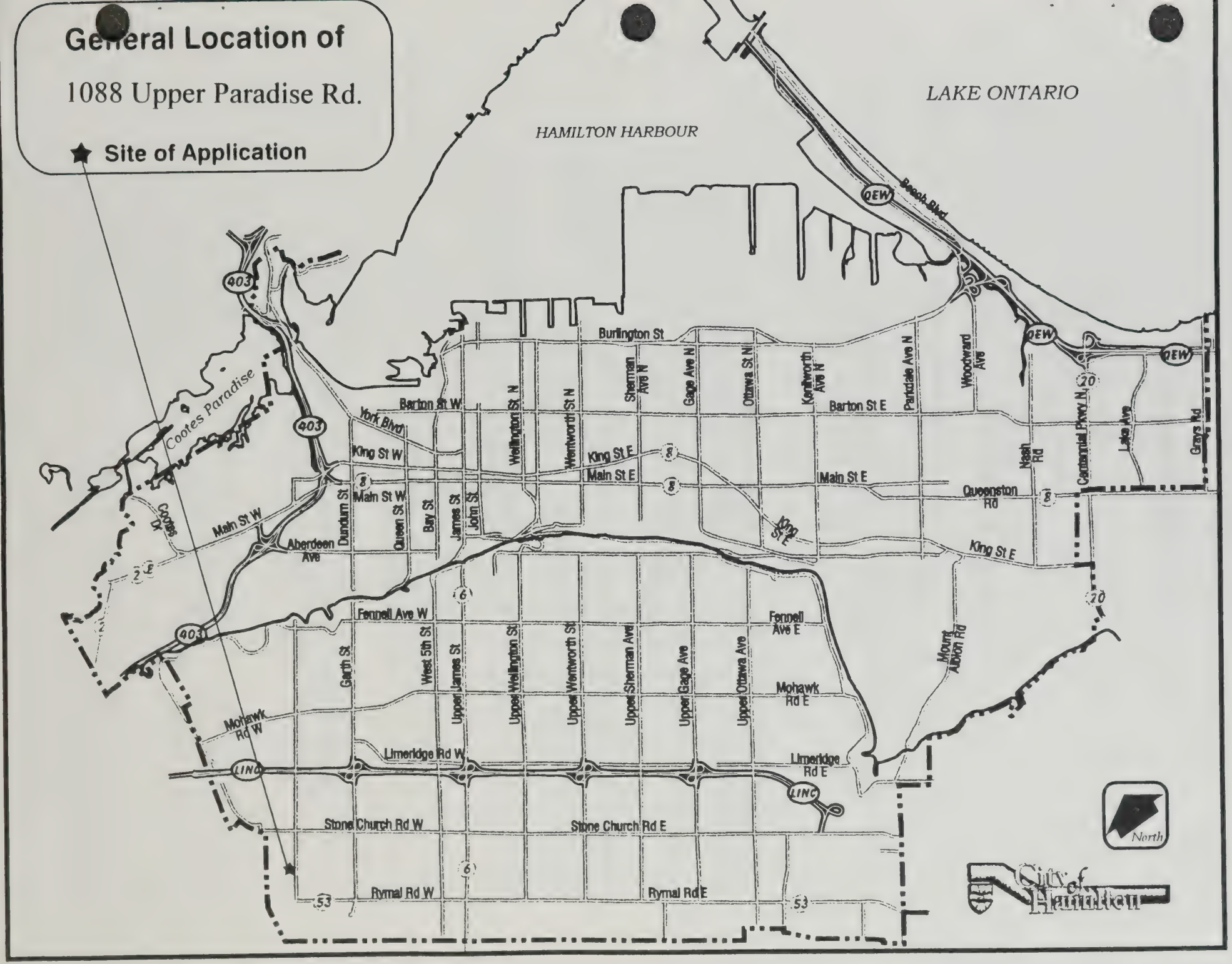
PRESENT ZONING:	D/S-1405
PRESENT USE:	Single Family Dwelling (Vacant)
PROPOSED USE:	Single Family Dwelling Development
BRIEF DESCRIPTION:	The owner proposes to demolish the vacant one storey single family dwelling and develop these lands under a Plan of Subdivision. This property is located in the Falkirk West Neighbourhood and is located in Ward 8 (please see attached neighbourhood map and City overview map). No LACAC interest. Lot size 63.18m x 186.39m.

The owner of the property is:

Visplar Holdings Limited
107-5803 Yonge Street
Willowdale, Ontario M2M 3V5

FP/zr


STONE CHURCH ROAD WEST
HAMILTON CITY LIMITS
AA
AA
C
C
LISA LINE COURT
ALBERTA DRIVE
DE-3/S-836
GS-836
CR2/
R-4
C
KORDUN STREET
D/S-687
AA
AA
AA
C
SUBJECT PROPERT
1158 UPPER PARADISE RD
UPPER PARADISE ROAD
HAMILTON CITY LIMITS
TOWNSHIP OF ANCASTER
H.E.P.C. OF ONTARIO EASEMENT
H.E.P.C.
ROAD WEST


General Location of
1088 Upper Paradise Rd.
Site of Application
LAKE ONTARIO
HAMILTON HARBOUR
QEW
Beach Blvd
403
Cootes Paradise
Burlington St
Barton St W
Barton St E
York Blvd
King St W
King St E
Main St W
Main St E
Queenston Rd
Aberdeen Ave
Dundurm St
Queen St
Bay St
James St
John St
Wellington St N
Wentworth St N
Sherman Ave N
Gage Ave N
Ottawa St N
Kenilworth Ave N
Parkdale Ave N
Woodward Ave
Nash Rd
Centennial Pkwy N
Lake Ave
Grays Rd
Cootes Dr
Fennell Ave W
Fennell Ave E
Garth St
West 5th St
Upper James St
Upper Wellington St
Upper Wentworth St
Upper Sherman Ave
Upper Gage Ave
Upper Ottawa Ave
Mount Albion Rd
Mohawk Rd W
Mohawk Rd E
Limeridge Rd W
Limeridge Rd E
LINC
Stone Church Rd W
Stone Church Rd E
Rymal Rd W
Rymal Rd E
North
City of Hamilton

CITY OF HAMILTON

Ci)

- RECOMMENDATION -

DATE: 1998 November 4
(PLC-98-08)
Eleanor Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Victor J. Abraham
Director of Planning and Development

SUBJECT: Application to Remove Part-Lot Control – Block 21, Registered Plan 62M-829, "Eagleview Estates, Phase 1"

RECOMMENDATION:

A. That approval be given to **amended Part Lot Control Application 98-08, Harp Homes, Inc.,** to remove part-lot control for Block 21, located in "Eagleview Estates, Phase 1", Registered Plan 62M-829, to permit the subdivision of Block 21 into 2 blocks to be merged with the abutting lands for 2 lots for single detached dwellings, as shown on the attached map marked as APPENDIX "A";

B. That the Director of Planing and Development be authorized to prepare a By-law to remove part lot control from Block 21, Registered Plan 62M-829, "Eagleview Estates, Phase 1" plan of subdivision, for presentation to City Council;

C. That the exempting by-law not be presented to City Council until such time as the following conditions have been satisfied:

i) the applicant has prepared and submitted a revise grading plan for Block 21, Plan 62M-829 to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department;

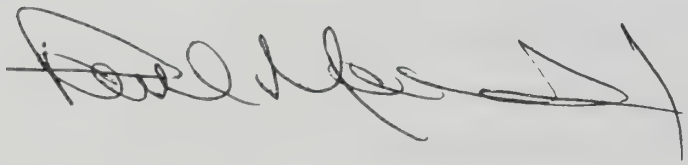
ii) the applicant has made a cash payment in lieu of lands to be dedicated for park purposes to the City of Hamilton to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department;

iii) the applicant has dedicated a 0.30 m reserve along Upper Sherman Avenue to the Region of Hamilton-Wentworth to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department; and,

iv) the by-law for a change in zoning for the subject lands has been finalized to the satisfaction of the Director of Planning and Development;

D. That the exempting by-law be restricted to a 1 year effective time period to expire on December 1, 1999; and,

E. That following the enactment of this by-law, the Commissioner, Regional Environment Department (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the by-law and endorse the same on the by-law.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council may pass a by-law for exemption from part-lot control for the purposes of creating building lots from a block of land within a registered plan of subdivision.

BACKGROUND:

Proposal

The applicant, Harp Homes Ltd., is proposing to subdivide the subject lands into 2 blocks to be added to the abutting lands to create 2 building lots for single detached dwellings.

Location

The subject lands are located east of Upper Sherman Avenue, west of Eaglewood Drive, north of Dalia Avenue and located at rear of 1465 Upper Sherman Avenue in the Eleanor Neighbourhood (see Appendix "A").

Zoning Application 98-38

Council, at its meeting of October 27, 1998, approved Zoning Application 98-38. The purpose of the application was for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to permit the use of the subject lands for two single family residential lots in conjunction with the abutting lands in accordance with Severance Applications B-98:55 and B-98:56. The lands are to be developed with the abutting lands located within "Eagleview Estates, Phase 1" Registered Plan of Subdivision (62M-829).

Severance Applications B-98:55 and B-98:56

Severance Applications B-98:55 and B-98:56 were approved in August, 1998. The applications were to retain a parcel of land with an area of 867.2 m^2 and a frontage of 21.34 m along Upper Sherman Avenue, and to convey two parcels of land to be merged in the same name and title as the abutting lands (Block 21, Registered Plan 62M-829). The application was approved conditional upon, amongst other conditions, the applicant

applying for and receiving final approval for a change in zoning for the lands to be conveyed from the existing "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

Zoning Application 95-13 and Subdivision Application 95-03 (Regional File 25T-95014(R))

In June, 1996, City Council approved Zoning Application 95-13 and Subdivision Application 95-03 for lands located east of Upper Sherman Avenue, west of Eleanor Avenue and abutting Dalia Street (formerly Dulgaren Street). The changes in zoning were to permit the development of the subject lands in accordance with the proposed "Eaglewood Estates" plan of subdivision for 7 lots for small lot single family dwellings ("R-4" District) and 18 lots for single family dwellings ("C" District).

A condition of draft plan approval was that Block 21 must be developed in conjunction with the abutting lands. In this regard, Harp Homes negotiated an offer of purchase for the lands which are the process of being rezoned from "AA" District to "C" District to allow for the creation of two (2) building lots fronting onto Eaglewood Drive.

CIRCULATION COMMENTS:

- The Regional Environment Division advised:

  "Information:

  1. The developer of Eagleview Estates has provided and paid for the existing service along Dalia Avenue and Eaglewood Drive.

  2. Review of the existing City subdivision agreement has revealed that the developer of "Eagleview Estates, Phase 1" did not provide for a cash payment in lieu of lands, for park purposes, for Block 21, under the agreement.

  Recommendations:

  1. That the owner, Harp Homes Inc., revise and resubmit the existing grading plan for Block 21, Plan 62M-829, as well as Parts 1 and 2, on the draft Reference Plan prepared by A.J. Clarke and Associates Limited.

  2. That the Owner make a cash payment in lieu of lands to the City of Hamilton for Block 21, Registered Plan 62M-829."

- The Traffic Division, Department of Public Works and Traffic advised:

  "The applicant should be advised that there will be no access to Upper Sherman Avenue from Part 4 of Block 21."

- The Building Department advised of the following:

  "1. The applicant shall ensure that the severance line of Parts 1 & 2 from the remainder of the lands known as 1465 Upper Sherman Avenue coincide with

the boundary line between the "C" and "AA" Districts. There appears to be a discrepancy of 0.6m.

2. The two lots proposed to be created off of Eaglewood Drive would be located in two zoning districts Parts 1 & 2 are zoned "AA" District and parts 3 & 4 are zoned "C" District. Section 3(9) of the Zoning By-law would require that the minimum yard requirements of the "AA" District be provided. It is, therefore, recommended that parts 1 & 2 be rezoned to a "C" district."

COMMENTS:

1. Removal of "part-lot" control is a mechanism provided for under the Planning Act to permit minor division of land. This provision eliminates the need to obtain the approval by the Committee of Adjustment for each individual parcel of land, thereby reducing the overall administrative process required to obtain the same objective. The mechanism is exercised by municipalities by registering a by-law in the Land Titles offices. Part lot control can only be used for lands within a registered plan of subdivision. In addition, Section 50(7.3) of the Planning Act, allows for an expiration date to be described in the part-lot control by-law, thereby eliminating the need to repeal said by-law. Under Section 50(7.4), Council may grant an extension before the expiration of the By-law if needed without the approval of the Minister. In this regard, the exempting by-law should be restricted to a 1 year effective time period.

2. The Regional Environment Department has advised that the applicant should be required to revise and resubmit the existing grading plan for Block 21, Plan 62M-829. Furthermore, based on a review of the existing subdivision agreement for "Eagleview Estates, Phase 1", a cash-in-lieu payment was not made for Block 21. Therefore, prior to the enactment of the part-lot control by-law, the Owner should also be required to make a cash payment in lieu of lands to the City of Hamilton for Block 21, Registered Plan 62M-829.

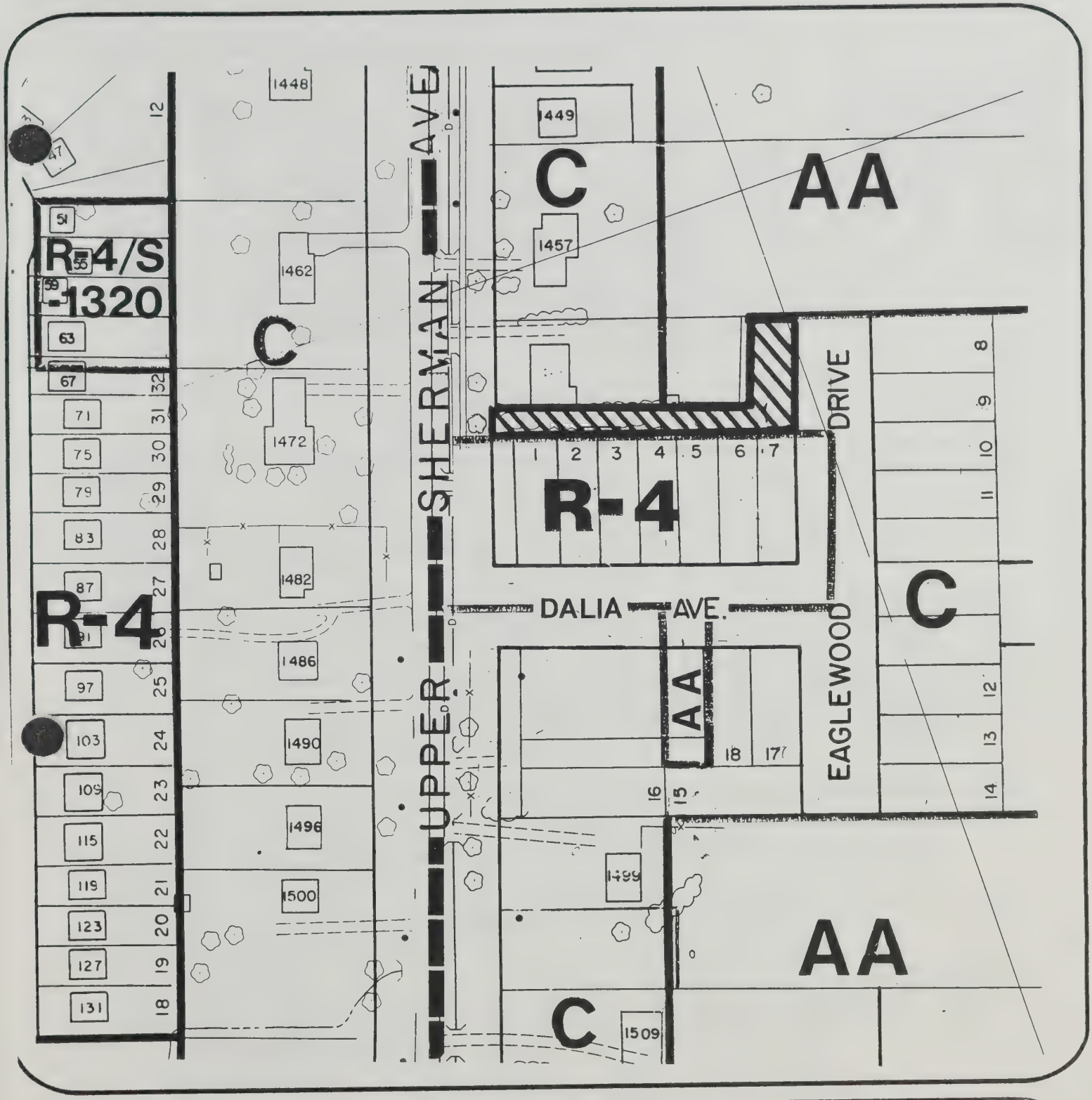
3. The Building Department has advised the severance line of Parts 1 & 2 should coincide with the boundary line between the "C" and "AA" Districts. Furthermore, the two lots proposed to be created off of Eaglewood Drive would be located in two zoning districts ("AA" District and "C" District). In accordance with Section 3(9) of the Zoning By-law, development of these lots would have to comply with the minimum yard requirements of the "AA" District. As such the Building Department recommended that parts 1 & 2 be rezoned to a "C" district.

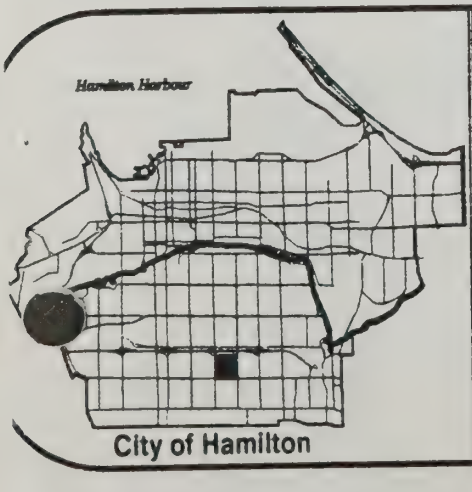
   City Council has approved Zoning Application 98-36 that was for a change in zoning from "AA" District to "C" District. It is noted that Planning and Development Department staff are concurrently preparing the implementing zoning by-law for presentation to City Council. In This regard it is appropriate that the exempting by-law not be presented to City Council until finalization of the change in zoning for the subject lands.

CONCLUSION:

Based on the foregoing, the request to remove part-lot control can be supported.

SR/sr
PLC98-08.rpt





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

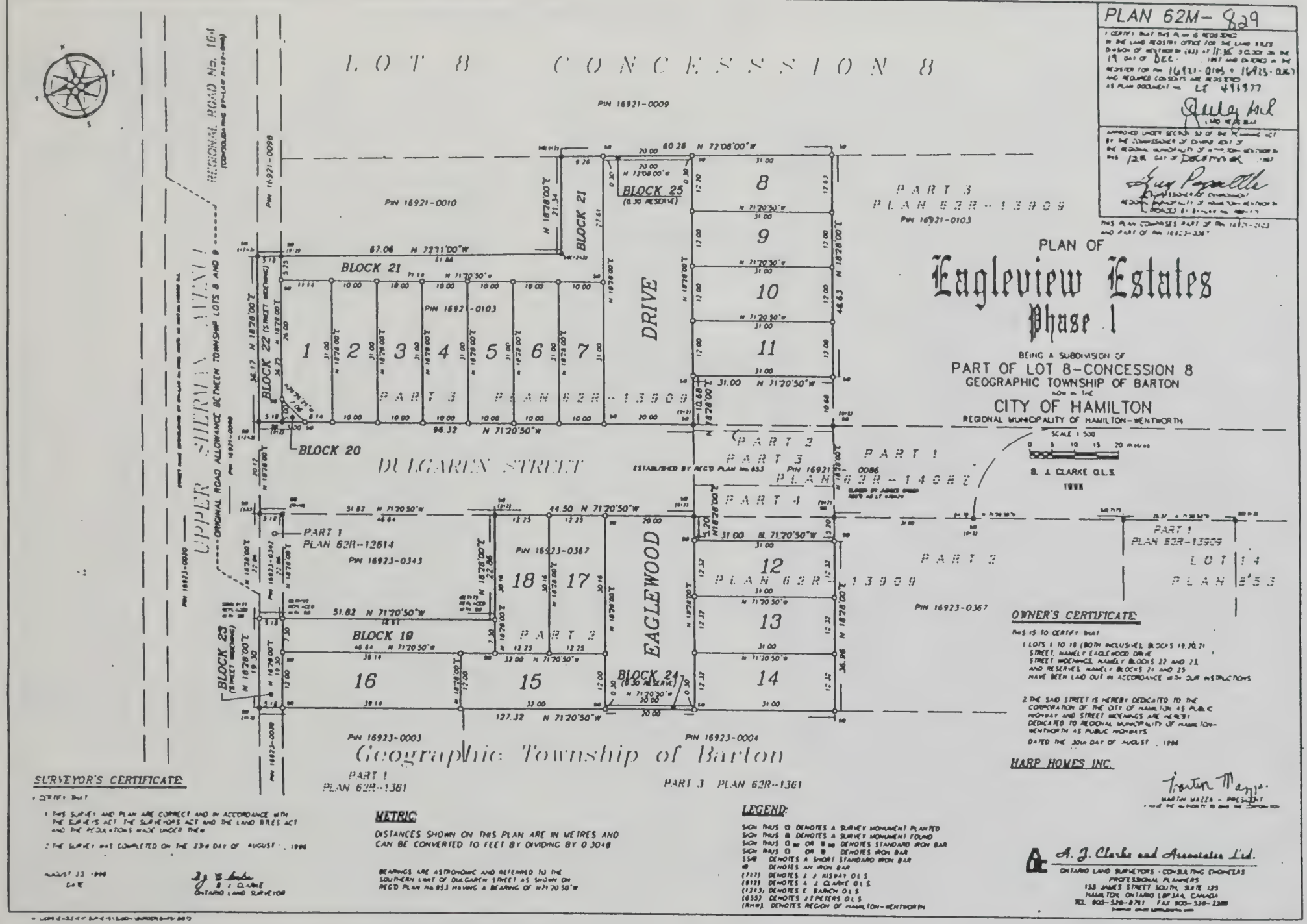
SUBJECT LANDS

Reference file:	PLC-98-08
Scale	Not to Scale
Date	October, 1998
Technician:	K.E

North

EAGLEWOOD DRIVE

M-82 1



APPENDIX "B"

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 November 4
(PLC-98-09)
Allison Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Victor J. Abraham
Director of Planning and Development

SUBJECT: Application to Remove Part-Lot Control - Lots 1 – 13, inclusive and Lots 15 – 22, inclusive, Registered Plan 62M-853, "Allison Estates, Phase 5"

RECOMMENDATION:

A. That approval be given to **Part Lot Control Application 98-09, 200 Rymal Road Inc.**, owner, to remove part-lot control for Lots 1 – 13, inclusive and Lots 15 – 22, inclusive, located in "Allison Estates, Phase 5", Registered Plan 62M-853, known municipally as 26 – 78 Piano Drive, inclusive, and 30 – 58 Meadowpoint Drive, inclusive, for the purpose of establishing maintenance easements, as shown on the attached map marked as Appendix "A";

B. That the attached by-law, marked as Appendix "B", to remove part lot control from Lots 1 – 13, inclusive and Lots 15 – 22, inclusive, located in "Allison Estates, Phase 5", Registered Plan 62M-853, be enacted by Council;

C. That the exempting by-law be restricted to a 1 year effective time period to expire on December 1, 1999;

D. That following the enactment of this by-law, the Commissioner, Regional Environment Department (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the by-law and endorse the same on the by-law.

V. Abraham

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council may pass a by-law for exemption from part-lot control for the purposes of creating maintenance easements for zero-lot line single family dwellings within a registered plan of subdivision.

BACKGROUND:

Proposal

The applicant, 200 Rymal Road Inc., is proposing to create maintenance easements for Lots 1 – 13, inclusive and Lots 15 – 22, inclusive, located in "Allison Estates, Phase 5", Registered Plan 62M-853. The maintenance easements are required for the zero-lot line single family dwellings in accordance with the provisions of the "R-4" District and the City of Hamilton subdivision agreement.

Location

The subject lands are located west of Piano Drive and south of Meadowpoint Drive in the Allison Neighbourhood and are known municipally as 26 – 78 Piano Drive and 30 – 58 Meadowpoint Drive, in the Allison Neighbourhood (see Appendix "A").

CIRCULATION COMMENTS:

- The Traffic Division, Department of Public Works and Traffic advised that they have no comment with respect to the application.

- The Regional Environment Division advised of the following:

  "The purpose of this application is to establish maintenance easements for the subject lots, which is a requirement of the City's Subdivision Agreement for "Allison Estates, Phase 5."

COMMENTS:

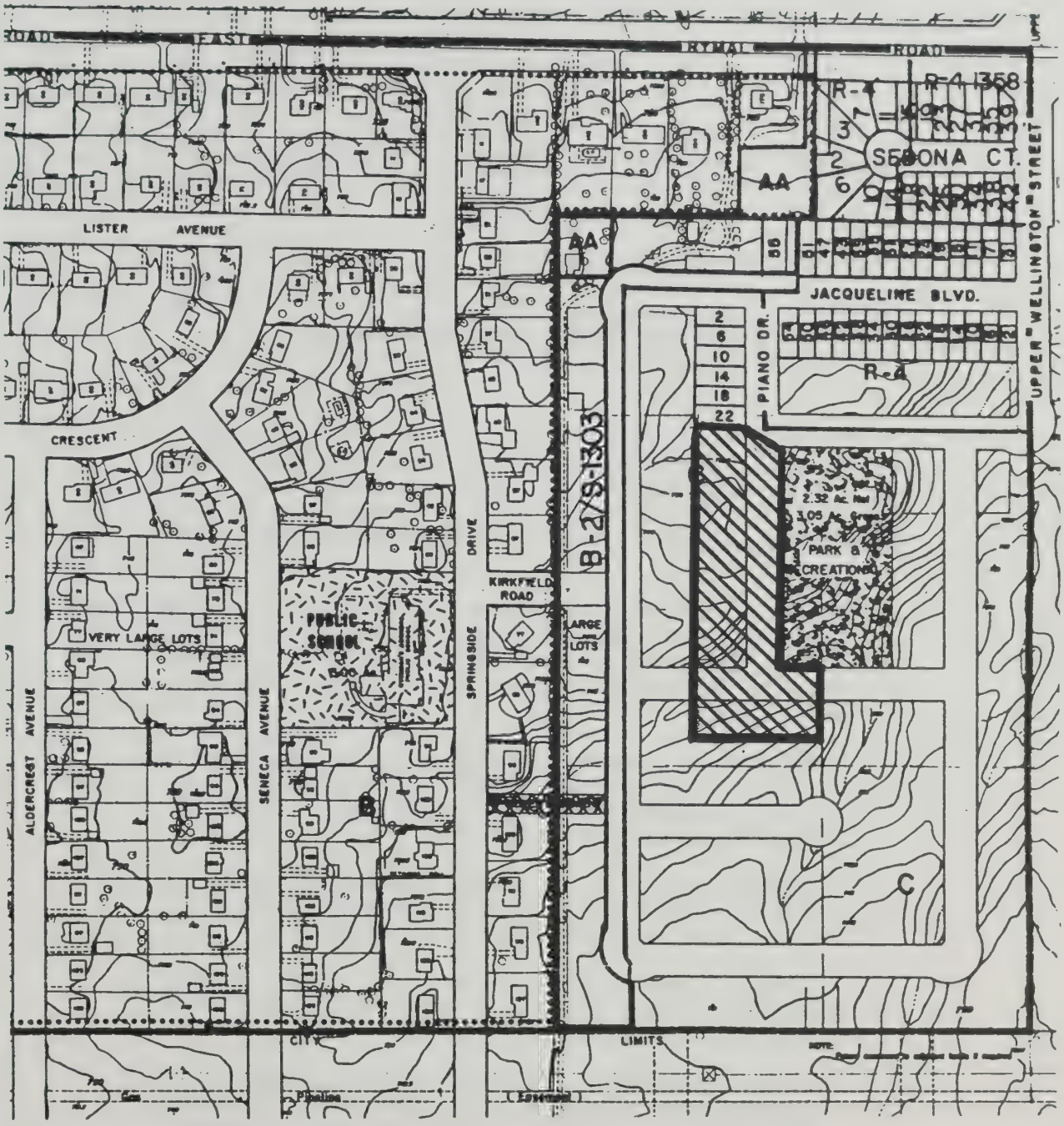
1. Removal of "part-lot" control is a mechanism provided for under the Planning Act to permit minor division of land. This provision eliminates the need to obtain the approval by the Committee of Adjustment for each individual parcel of land, thereby reducing the overall administrative process required to obtain the same objective. The mechanism is exercised by municipalities by registering a by-law in the Land Titles offices. Part lot control can only be used for lands within a registered plan of subdivision. In addition, Section 50(7.3) of the Planning Act, allows for an expiration date to be described in the part-lot control by-law, thereby eliminating the need to repeal said by-law. Under Section 50(7.4), Council may grant an extension before the expiration of the By-law if needed without the approval of the Minister. In this regard, the exempting by-law should be restricted to a 1 year effective time period to expire on December 1, 1999.

2. The attached by-law to remove "part-lot" control has been prepared in a form satisfactory to the City Solicitor.

CONCLUSION:

Based on the foregoing, the request to remove part-lot control can be supported.

SR/sr
PLC98-09.rpt





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

Site of Application

Reference file: PLC-98-09

Scale: Not to Scale

Date: November, 1998

Technician: J.S/F.N

North

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 98—

To Remove
Land within the "Allison Estates, Phase 5" Subdivision, Plan 62M-853
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.

(7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.

(7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

(7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.

(7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

(7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton–Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purposes of establishing maintenance easements shall not apply to the following lands:

   Lots 1 - 13, inclusive and Lots 15 – 22, inclusive, within Registered Plan Number 62M-853, in the City of Hamilton, Regional Municipality of Hamilton–Wentworth.

2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton–Wentworth.

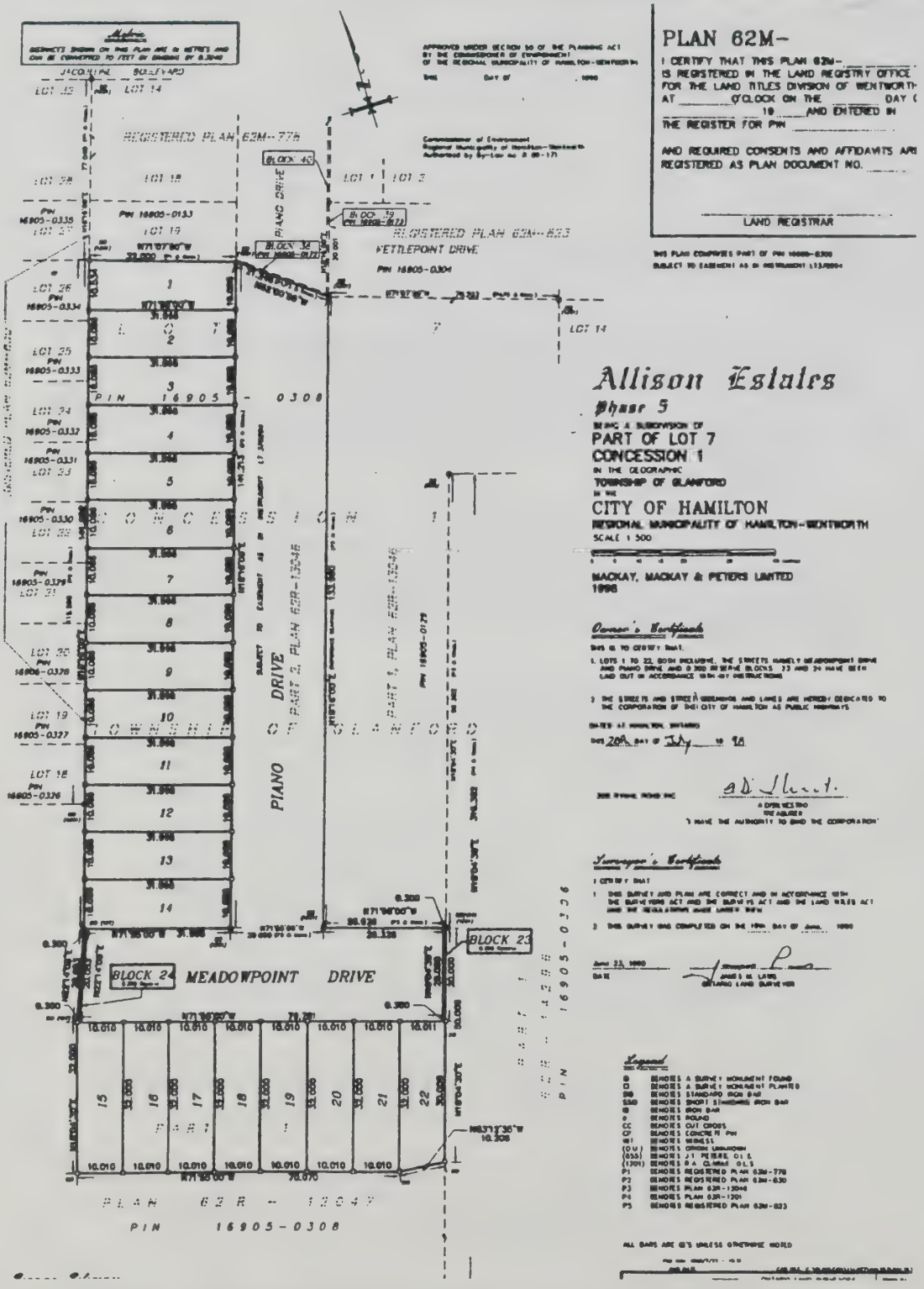
   (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

   (c) This By-law shall expire on December 1, 1999.

PASSED this 24 day of November A.D. 1998.

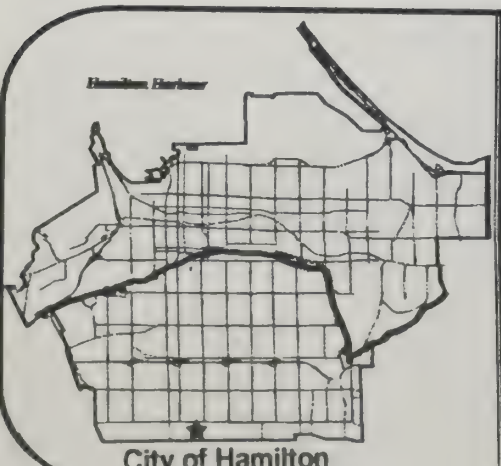
City Clerk Mayor

200 Rymal Road Inc., owner
(1998) R.P.D.C. , November 24
PLC-98-09



PLANNING AND DEVELOPMENT DEPARTMENT

Location Map



Legend

Reference file:
PLC-98-09
Scale
Not to Scale
Date
November, 1998
Technician:
FAB

(iii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 November 6
S723-80, M.P. Sabelli, C.E.T.

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P.
Director of Planning and Development

SUBJECT: **"Wellington Meadows - Phase 1", Hamilton**
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION:

a) That Item #10 of the 8th Report of the Planning and Development Committee adopted by City Council on Tuesday, April 28, 1998, for the approval of the cash payment in lieu of 5% parkland dedication for "Wellington Meadows - Phase 1" be rescinded and replaced with item b) below.

b) That the City of Hamilton accept the sum of $ 27,500.00 in connection with "Wellington Meadows - Phase 1", Hamilton, as the cash payment in lieu of the 5% land dedication required under Section 51.1 of the Planning Act.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financing costs associated with this report.

cont'd...

DATE: 1998 November 6

"Wellington Meadows - Phase 1"
(Cash Payment in Lieu of 5% Parkland Dedication)

cont'd...

BACKGROUND:

City Council has previously approved the accepting the sum of $ 12,100.00 as a cash payment in lieu of the 5% land dedication in connection with "Wellington Meadows - Phase 1",Hamilton being the cash required under Section 51.1 of the Planning Act. The Owner, Scarlett Homes Ltd. now wish to include a larger portion in the development of "Wellington Meadows - Phase 1" at this time, which has resulted in a change in the amount of cash payment in lieu of 5% parkland dedication.

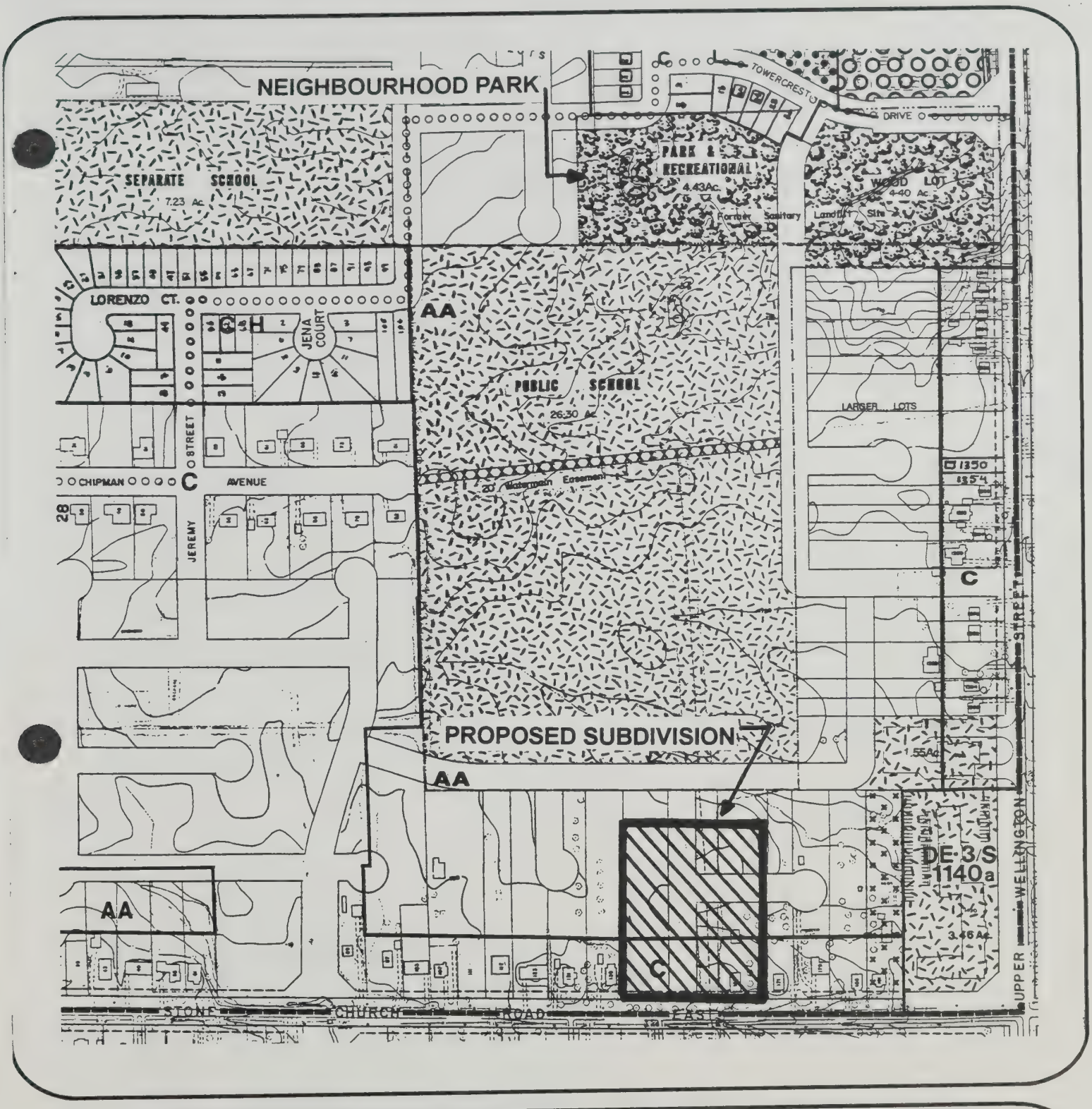
In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be $ 27,500.00.

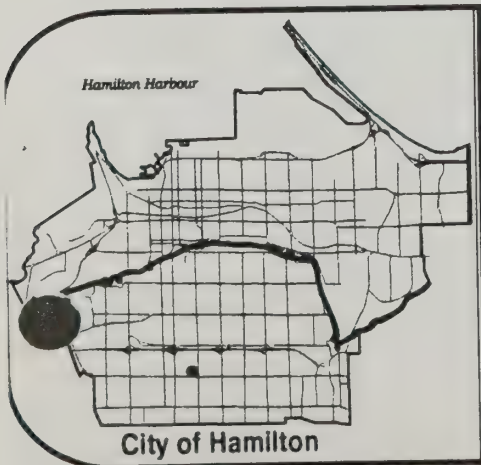
The lands of "Wellington Meadows - Phase 1" are located on the north side of Stone Church Road East, west of Upper Wellington Street, in the Jerome Planning Neighbourhood. (see attached plan)

Note: The 5% parkland dedication or the cash in lieu of lands is a contribution by the developers. The money collected for the cash in lieu of lands is used for land acquisition, development and maintenance for park purposes.

MPS

cc: D. Cobb, City Treasury
cc: M. Watson, Property Department





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

Site of Application

Reference file: S723-80

Scale: Not to Scale

Date: November, 1998

Technician: J.S

North

D

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 November 11

REPORT TO: Alderman F. D'Amico, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Director of Planning and Development re: Site Plan Control Applications, dated 1998 November 5

T Agnello

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure is recorded for these matters.

Urban Municipal Collection
2nd Floor
Hamilton Public Library

CA4 ON HBL A05
C51P4
1998

URBAN MUNICIPAL

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1998 December 2
9:30 o'clock a.m.
Room 233, City Hall

URBAN MUNICIPAL
DEC 7 1998
GOVERNMENT DOCUMENTS

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

1. **PUBLIC MEETINGS - 9:30 O'CLOCK A.M.**

Zoning Application 98-39 by Hamilton Star Temple c/o Jadwiga Weisz, owner, for a modification to the "H" District for property located at 1800 King Street East.

2. **PUBLIC MEETINGS - 9:45 O'CLOCK A.M.**

Subdivision Application 98-03 and Zoning Application 98-32, by The Bucci/Chiaravalli Group, prospective owners, for changes in zoning for a 3.765 ha parcel of land located at north-east corner of Fennell Avenue West and West 5th Street.

Submission: (a) LACAC Recommendation Report
(b) Ald. D. O'Sullivan, Ward 8

3. **REFERRAL BACK FROM COUNCIL**

SAR-98-04 and ZAC-98-34 for Lands south of Stone Church Road West and west of West Fifth Street

Submission: (a) Bill Tennant, 124 Stonechurch Road West, Hamilton dated September 29, 1998
(b) Bill Tennant, 124 Stonechurch Road West, Hamilton dated October 26, 1998

4. DELEGATION

Mary Pocius re: Proactive Enforcement of Property Standards in the Downtown Core

(a) Building Commisioner: Information Report

5. DIRECTOR OF PLANNING AND DEVELOPMENT

(a) Proposed Draft Plan of Condominium – Condominium Conversion, 101 Queen Street South, (CDM-CONV-98-012)

(b) Request for Parkland Credit – Starward Homes
(i) Request to appear as Delegation: Terri Johns, A.J. Clarke

6. CORRESPONDENCE

Manfred Rudolph, Turkstra Mazza re: 260-280 King Street East, Demolition Permit

7. CONSENT AGENDA

8. OTHER BUSINESS

9. ADJOURNMENT

PLANNING AND DEVELOPMENT COMMITTEE
OUTSTANDING LIST

No	Item	Original Date	Action	Status
1.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and incineration as a use on Harbour Lands	Report forthcoming
2.	RHPA application CD-96-004, 222 Gage Avenue South	1997 April 2 and 1997 May 7	Ward Aldermen to meet with applicant and residents	Tabled for 6 mos. (to first meeting of Nov 1997)
3.	RHPA application CD-96-005, 155 Market Street	1997 April 23	Applicant to meet with residents in order to address their concerns	Tabled for 2 months
4.	Boulevard Policy for New Subdivisions	1997 July 2	Staff directed to prepare report	Report forthcoming
5.	Licensing of New Hazardous Waste Sites	1997 August 20	Referred to Planning and Law Department Staff for report	Pending
6.	Parking Restrictions	1998 February 4	Referred to Planning & Building Depts. for staff reports	Pending
7.	York Boulevard Design Guidelines	1998 April 22	Planning Staff directed to provide a review for cttee	Pending
8.	St. Mark's Centre	1998 April 22 and 1998 May 6	Information requested on funding of repairs and comprehensive Plan	Pending
9.	ZA 98-26, 334 East 14th St.	1998 September 23	Proponents to meet with residents to resolve concerns	To be lifted from the table 1998 October 21
10.	Student Housing Licencing By-law	1998 September 23	Staff to Prepare a report	Pending
11.	Correspondence from the Ainslie Wood/Westdale Community Associations	1998 October 7	Referred to staff	Report Forthcoming
12.	Walkway Closure –Forestgate Drive	1998 November 4	Referred to Staff	Report Forthcoming

1998 November 20

CITY OF HAMILTON

1.

- RECOMMENDATION -

DATE: 1998 November 20
(ZAR-98-39)
Bartonville Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Victor J. Abraham
Director of Planning and Development

SUBJECT: Modification in zoning – 1800 King Street East

RECOMMENDATION:

A. That approval be given to Zoning Application 98–39, Jadwiga Weiss, prospective owner, for a modification to the established "H" (Community Shopping and Commercial, etc.) District to permit a residential care facility (2nd level lodging home) to accommodate twenty (20) senior citizens within the existing building, for property located at 1800 King Street East, as shown on the attached map marked as Appendix "A", on the following basis:

i) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law 6593, applicable to the subject lands be modified to include the following variances as special provisions:

a) That notwithstanding Section 14(1)(i) of Zoning By-law No. 6593, the following use shall be permitted:

(i) a senior citizens "residential care facility" for the accommodation of a maximum of twenty (20) persons only within the building existing on the date of the passing of this by-law;

b) For the purpose of this By-law, a senior citizens "residential care facility" means a residential care facility within which all residents are at least 60 years of age or older and do not require probationary or custodial care governed by the terms of any court or parole board;

c) That Section 14(7) of Zoning By-law No. 6593, shall not apply to the subject lands;

d) That Section 18 A. (11) and 18A. (12) (a) of Zoning By-law No. 6593, shall not apply to the entire westerly lot line;

e) That Section 18A. (24) (b) of Zoning By-law No. 6593, shall not apply only to the existing 3.66 m (12- 0') driveway adjacent to the existing building;

f) That a minimum landscape area of 23.0 % of lot area shall be provided and maintained on the lot;

g) That a visual barrier not less than 1.8 m and not greater than 2.0 m in height shall be provided and maintained along the southerly, easterly and westerly lot lines adjacent to the rear yard;

ii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-66 be notated S- .

iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-66, for presentation to City Council.

iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a modification to the established "H" (Community Shopping and Commercial, etc.) District, for lands located at 1800 King Street East, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit a senior citizens residential care facility for the accommodation of a maximum of twenty (20) persons only within the existing building.

In addition, the By-law provides for the following variances:

- Defines a senior citizens "residential care facility" as a residential care facility within which all residents are at least sixty (60) years of age or older and do not require probationary or custodial care governed by the terms of any court or parole board;

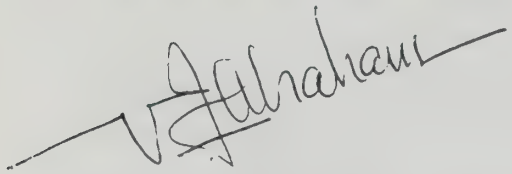
- Permits the residential care facility to be within 110.0 m of an existing short term care facility at 1760 King Street East whereas a 180.0 m minimum radial separation is required;

- Eliminates the 1.5 m minimum planting strip and 1.2 m to 2.0 m high visual barrier along the entire westerly boundary line;

- Allows the existing 3.66 m (12-0') wide driveway adjacent to the existing building to be maintained;

- Requires a minimum landscape area of 23% of the lot area as outdoor amenity area; and,

- Requires a visual barrier not less than 1.8 m and not greater than 2.0 m in height along the southerly, easterly, and westerly lot lines adjacent to the rear yard.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council shall hold at least one public meeting to consider an application for a Zoning By-law Amendment.

BACKGROUND:

- Proposal

  The applicant proposes to redevelop the subject lands and existing building (Hamilton Star Temple) to accommodate a twenty (20) persons (senior citizens) residential care facility. Furthermore, there is an existing parking area that accommodates 49 parking spaces for the lodging house.

  Committee of Adjustment Application, A-98-203

  On September 30, 1998 the Committee of Adjustment denied an application, so as to permit a residential care facility use at the site notwithstanding that it is located within 110.0 m of the lot line of the property at 1760 King Street East, a short term care facility, instead of the minimum 180 m away.

  Furthermore, it was recommended that this matter be appropriately considered as a Zoning Application through the Planning and Development Committee.

APPLICANT:

Jadwiga Weiss, prospective owner

LOT SIZE AND AREA:

- 17.98 m (59 ft.) of lot frontage on King Street East;
- 114.91 m (377 ft.) of lot depth; and,
- 2066.44 m^2 (22,243.70 sq. ft.) of lot area.

LAND USE AND ZONING:

	EXISTING LAND USE	EXISTING ZONING
SUBJECT LANDS:		
	Hamilton Star Temple	"H" (Community Shopping and Commercial, etc.) District
SURROUNDING LAND:		
to the north	Multiple Dwellings	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the south	Single Family Dwellings	"C" (Urban Protected Residential, etc.) District
to the east	Commercial	"H" (Community Shopping and Commercial) District - modified
to the west	Commercial	"H" (Community Shopping and Commercial) District

OFFICIAL PLAN:

The lands are designated "COMMERCIAL" on Schedule "A" – Land Use Concept to the Official Plan. The following policies should be noted:

"2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

2.2.1 The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the

following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan, where one exists:

i) Residential uses subject to the following provisions:

a) access drive and parking will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from neighbouring COMMERCIAL USES are mitigated;

b) any impacts emanating from adjacent COMMERCIAL USES which will detract from the amenity of the Residential Use will be minimized;

c) in the case of a Residential use ancillary to a COMMERCIAL USE, sufficient amenity space will be provided exclusively for the Residential component and be physically separated from the COMMERCIAL component and associated customer parking areas; and,

d) satisfy the provisions of Subsections A.2.1 and C.7.

2.2.17 Residential uses may be permitted within EXTENDED COMMERCIAL areas without an amendment to this Plan where they will not restrict or interfere with the function of the primary permitted uses, and subject to the provisions of Policy A.2.2.1 I) and any other related policies as set out in this Subsection.

Subsection C.7 – Residential Environment and Housing Policy

7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;

iv) Support REIDENTIAL conversion of underutilized commercial space to residential which does not undermine the primary commercial use/function of the neighbourhood, subject to the provisions of Subsection A.2.2;

v) Encourage new Residential Development that provides a range of dwelling types at densities and scales that recognize and enchance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, seatback, privacy and overview;

ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;"

Furthermore, the subject lands are located in Special Policy Area 1c Shown on Schedule B – Special Policy Areas. The following policies should be noted:

"2.9.1.3 Special Policy Area "1c" – Urban Area – is based on minimizing the impact and further encroachment of urban growth on the Escarpment environment. Accordingly, the following development objectives are paramount:

All development will be of an urban design compatible with the visual and natural environment of the Escarpment. Where appropriate, provision for adequate setbacks and screening should be required to minimize the visual impact of urban development on the Escarpment landscape."

2.9.1.6 All proposals for development occurring in the Niagara Escarpment Area (Special Policy Areas "1a", "1b" and "1c") will conform to the policies, permitted uses and Development Criteria outlined in the Niagara Escarpment Plan."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

There is no approved plan for the Bartonville Neighbourhood.

RESULTS OF CIRCULARIZATION:

- The following Departments and agencies have no comments:
  - Hamilton Region Conservation Authority;
  - Niagara Escarpment Commission; and ,
  - Union Gas.

- The Treasury Department has advised that there are tax arrears.

- The Regional Environment Department advised that:

"There are public watermains and combined storm and sanitary sewers available to service the subject lands.

According to our records, the designated road allowance width of this section of King Street East is 20.12m. The Region of Hamilton-Wentworth previously acquired the designated road widening. Therefore we do not anticipate any further road allowance widenings at this time.

As noted on the application, we have reviewed this application on the basis that the external structure of the building will not change.

Any works which may occur within the King Street East road allowance, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-law.

- The Regional Environment Department (Planning Section) advised that:

"REGIONAL COMMENTS: The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan.

PROVINCIAL COMMENTS: The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The application falls within the parameters of the PPS."

- The Department of Public Works and Traffic has advised that:

"We have no objection to the proposed change in zoning to permit the development of a residential care facility of 20 residents. However, our review of the submitted plan indicates that the access to the required parking is only 3.65 m (12 feet) wide which is less than by-law requirements. Since the site limitations will not permit widening of the driveway, we recommend that the implementing by-law include a variance to permit the reduced width."

- The Building Department has advised that:

"1. The proposed residential care facility to be located on this lot does not meet the 180m radial separation distance requirement from the existing short term care facility at 1760 King Street East which is only 111.25m (365.0') away.

2. The "H" District permits a residential care facility for the accommodation of not more than 20 residents

3. A residential care facility for twenty (20) residents requires a minimum of seven (7) parking spaces.

4. The parking area must provide a 1.5m wide planting strip and a visual barrier of at least 1.2m to a maximum of 2.0m in height along the rear lot line that abuts the residential district.

5. A small portion of the westerly lot line abuts a "C" District approximately 44.45m from the front lot line for a distance of 9.49m. Therefore, any parking area abutting this portion of the lot must provide the required 1.5m wide planting strip and required visual barrier.

6. The access driveway between the westerly lot line and the existing building does not provide the minimum width of 5.5m (18.04').

7. The access driveway must be at least 3.0m away for that portion of the westerly lot line adjoining the residential district and the rear lot line adjoining the residential district."

COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan.

2. The proposal has merit and can be supported for the following reasons:

   - It complies with the intent of the Official Plan, which encourages development that provides a diversity of dwelling forms, tenure options and a range of affordable dwellings;

   - It is appropriately located on an arterial road (King Street East) at the periphery of the Bartonville Neighbourhood in close proximity to public transit, and a number of community facilities (ie. commercial establishments, churches, etc.);

   - It will provide for the adaptive reuse of a vacant institutional building (Hamilton Star Temple);

   - It will be compatible with established development in the surrounding mixed use area, which is comprised of commercial uses, institutional uses, multiple-family and low density residential use.

3. The Building Department has reviewed the preliminary concept plan (see Appendix "B") and advised the development will require the following variances as special requirements:

   a) To permits the residential care facility to be within 111. 25 m of an existing short term care facility at 1760 King Street East whereas a 180.0 m minimum radial separation is required.

It is understood there are operational differences between the proposed facility and the one at 1760 King Street East. The short-term care facility at 1760 King Street East provides immediate shelter or assistance for a period normally not exceeding two weeks, while residential care facilities provide greater level of assistance or care for individuals that may reside in the facility for an extended period of time. In addition the proposal is to provide accommodation for seniors.

b) To eliminate the 1.5 m minimum planting strip and 1.2 m to 2.0 m high visual barrier along the entire westerly boundary line next to the residential district.

This variance is necessary to allow access to the rear of the subject lands by way of the existing 3.66 m driveway and to allow an existing chain link fence to be maintained.

c) To permit the existing 3.66 m (12-0') wide driveway adjacent to the existing building to be maintained.

This driveway is an existing situation that cannot be altered due to the location of the existing building and the driveway is necessary to gain access to the rear parking area. It should be noted that the Traffic Department supports the reduced width.

d) As proposed by the applicant, the by-law will require a "landscape area" of 23% of the lot area in order to a create and ensure an outdoor amenity area for the residents. Presently, the entire rear yard is paved and used for parking (see Appendix "C").

e) Requires a visual barrier not less than 1.8 m and not greater than 2.0 m in height along the southerly, easterly, and westerly lot lines adjacent to the rear yard.

This is a special requirement that the applicant has agreed to provide in order to achieve privacy for the outdoor amenity (landscape area) to be located in the rear yard next to existing commercial uses.

The above-mentioned special requirements and variances are minor in nature and can be supported.

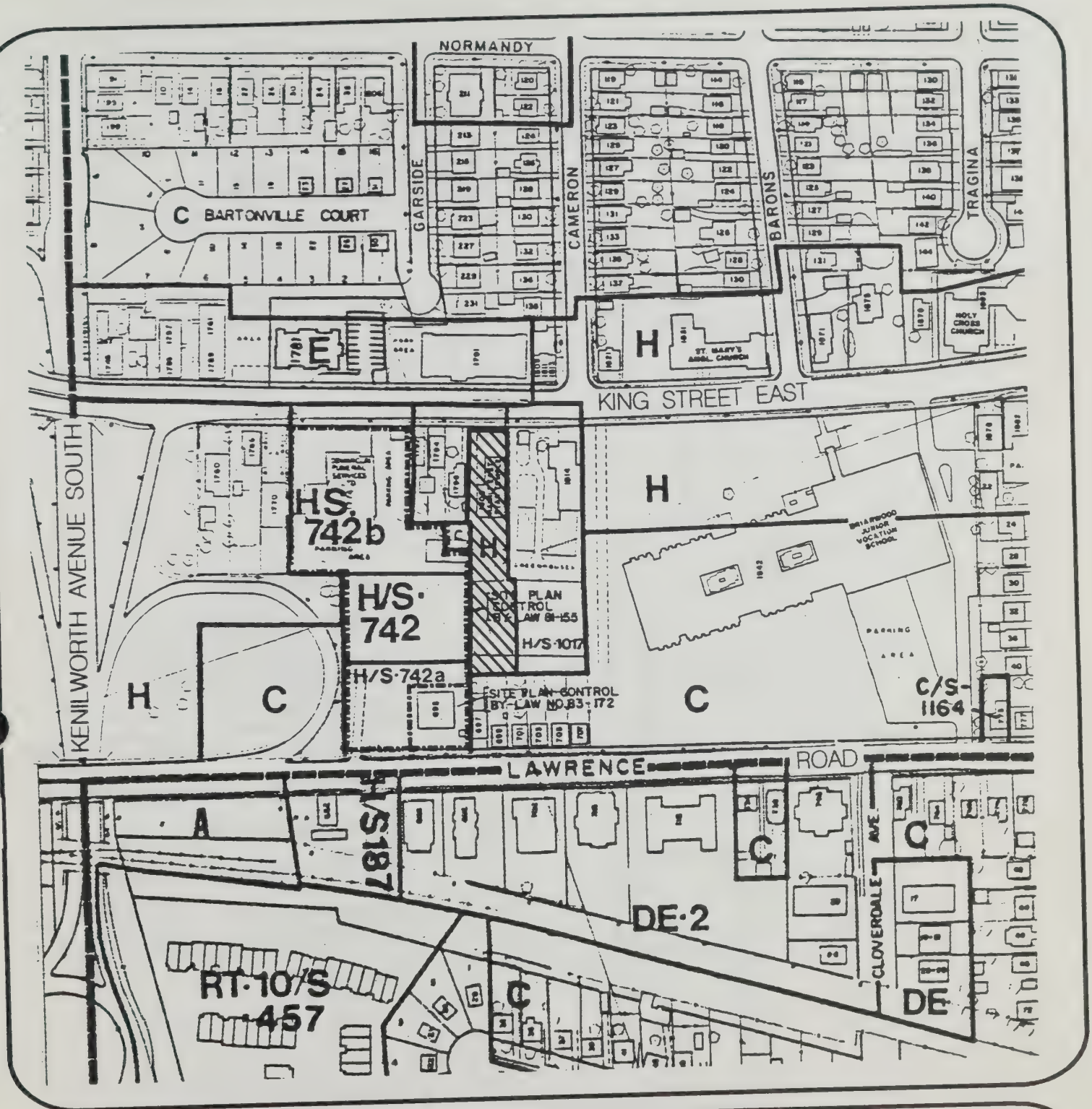
4. The "H" (Community Shopping and Commercial, etc.) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law 87-223 and 98-173. Matters related to access, landscaping, grading, fencing, lighting, etc. will be reviewed at the site plan approval stage of development and will be required prior to the issuance of a Building Permit.

5. With respect to the Realty Tax arrears as noted by the Treasury Department, the applicant should be advised that it is City Council's policy that this matter be brought into good standing prior to registration of the Site Plan Control Agreement.

CONCLUSION:

Based on the foregoing, the proposal can be supported.

JL/jl



PLANNING AND DEVELOPMENT DEPARTMENT

Location Map



Legend

Site of Application

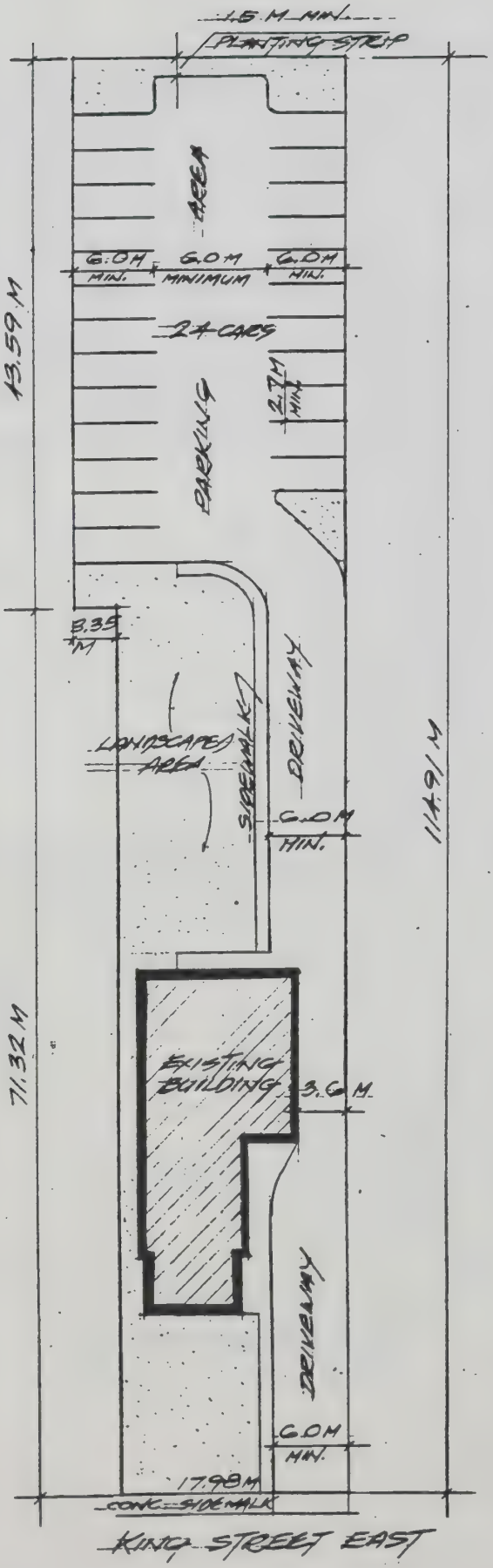
Reference file: ZAR-98-39

Scale: Not to Scale

Date: October, 1998

Technician: FAB

APPENDIX A



Details of Development:

Net lot Area 2066.4 m² (22,243.27 S.F.)

Building Coverage (max.) N/A m²

EXISTING BUILDING

Gross Floor Area (max.) EXISTING m²

Building Height (max.) m

(max.) 1½ storeys

No. of units (max.) 20 RESIDENTS

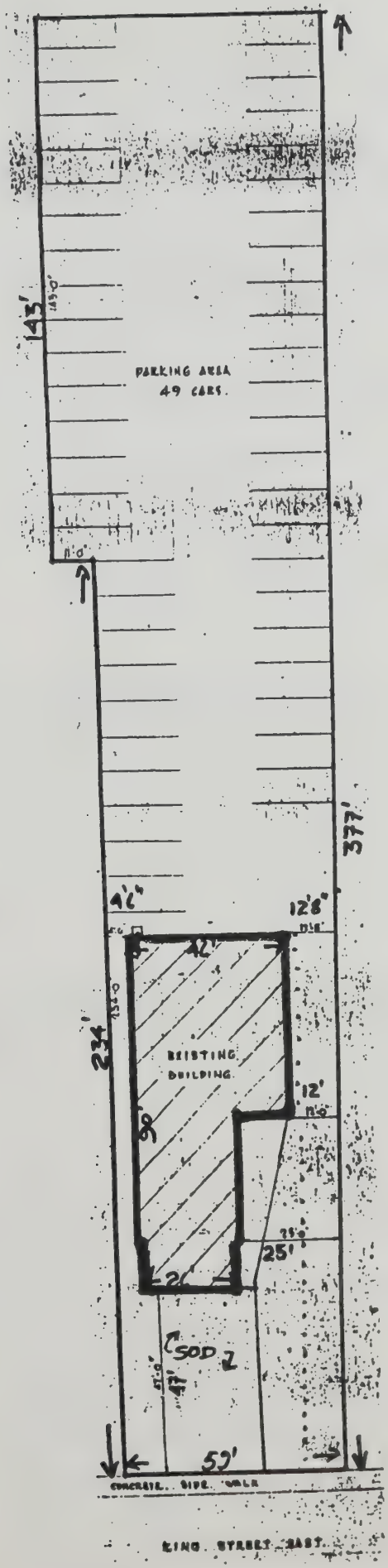
No. of Parking Spaces (min.) 24

No. of Loading Spaces (min.) N/A

Landscaped Area (min.) 538.8 m² (+/-) 23% OF LOT AREA (5800 S.F.)

Preliminary Concept Plan
n.t.s

APPENDIX B



EXISTING SITE PLAN N.T.S

APPENDIX C

2.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 20 November, 1998
(Southham Neighbourhood)
SA-98-03 & ZA-98-32

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Victor J. Abraham
Director of Planning and Development

SUBJECT: Subdivision Application "Auchmar Village" and Change in Zoning – 88 Fennell Avenue West

A. That **Amended Subdivision Application 98-03, (Regional File No. 25T-98005), The Bucci/Chiaravalli Group, prosepctive owners** to establish a draft plan of subdivision "Auchmar Village", on lands located at the northeast corner of Fennell Avenue West and West Fifth Street in the Southham Neighbourhood, known municipally as 88 Fennell Aveune West, for 14 blocks for street townhouse units, 1 block for condominium townhouse units, 1 block for a senior citizens retirement home, 1 block for a public park, and to establish a public highway, as shown on the attached map marked as Appendix "A", be **DENIED**.

B. That **Amended Zoning Application 98-32, The Bucci/Chiaravalli Group, prospective owners** for changes in zoning from "C" (Urban Protected Residential, etc) District to "RT-30" (Street Townhouses) District (Block "1), "RT-20" (Townhouse-Maisonette) District (Block "2"), "DE-2" (Multiple Dwellings) District (Block "3"), and to "A" (Open Space, Park and Recreation) District (Block "4") for lands located at the north-east corner of Fennell Avenue West and West Fifth Street in the Southham Neighbourhood, known municipally as 88 Fennell Aveune West, as shown on the attached map marked as Appendix "A", be **DENIED** for the following reasons:

i) The proposal conflicts with the general intent and purpose of the City of Hamilton Official Plan;

ii) The proposal is considered to be premature pending the applicant submitting a tree inventory and tree preservation plan demonstrating the suitability of the subject lands for the proposed residential development;

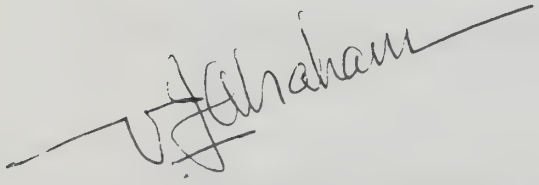
iii) The proposal does not comply with Section 2 and Subsection 51(24) of the Planning Act in that the proposed development does not provide for the

conservation of significant heritage features, the proposed public highway does not comply with City and Regional engineering standards, and the dimension and shape of the lots are substandard;

iv) The dedication of Block 17 to the City of Hamilton as a park block cannot be supported; and,

v) The proposed development is considered to be an over-intensification of land use and is not in keeping with the established residential character of the surrounding area.

C. That the City Clerk be directed to advise the Director, Development Division, Regional Environment Department of Council's decision.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act and the City of Hamilton Official Plan, Council shall hold at least one (1) public meeting for an application for a change in zoning and draft approval of a plan of subdivision.

BACKGROUND:

Proposal:

The proposed amended plan of subdivision "Auchmar Village" is to subdivide the subject lands into for 14 blocks for street townhouse units, 1 block for condominium townhouse units, 1 block for a senior citizens retirement home, 1 block for a public park, and to establish a public highway, as shown on the attached map marked as Appendix "B". The applicant has indicated that the proposed development is to be an "adult-lifestyle" community comprised of freehold and condominium bungalow townhouse units and a 144 unit retirement home.

In addition, the applicant is requesting the following changes in zoning, as shown on the attached map marked as Appendix "A":

Block "1" - from "C" (Urban Protected Residential, etc) District to "RT-30" (Street Townhouses) District for 61 street townhouse units;

Block "2" - from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District for 19 condominium townhouse units;

Block "3" - from "C" (Urban Protected Residential, etc) District to "DE-2" (Multiple Dwellings) District for a 4-storey, 144 unit senior citizens retirement home;

Block "4" - from "C" (Urban Protected Residential, etc) District, to "A" (Open Space, Park and Recreation) District for a park.

In addition, the applicant has requested the following variances to the Zoning By-law:

Block "1" - a minimum front yard of 4.5 m to the face of the dwelling whereas the provisions of the Zoning By-law require 6.0 m;

- a minimum rear yard depth of 6.0 m whereas the provisions of the Zoning By-law require 7.5 m

Block "2" - a minimum front and rear yard depth of 4.5 m whereas the provisions of the Zoning By-law require 6.0 m;

- a minimum lot width of 11.5 m whereas the provisions of the Zoning By-law require 23.0 m;

- a minimum side yard of 2.0 m whereas the provisions of the Zoning By-law require 3.0 m, unless it is a wall with a habitable room window in which case a minimum side yard of 6.0 m is required.

Block "3" - a minimum side yard of 3.0 m along the easterly lot line and a minimum side yard of 6.0 m along the westerly lot line whereas the provisions of the Zoning By-law require 8.75 m.

Block "4" - a minimum lot width of 10.0m whereas the provisions of the Zoning By-law require a minimum lot width of 24.0 m.

There are several significant heritage features on the subject lands. In this regard, the proposed development provides for the retention of the carriage house as a separate parcel of land external to the proposed subdivision and changes in zoning. In addition, the applicant is proposing to integrate the existing "Auchmar House" into the 144 unit "retirement housing" building. The "Auchmar House" will be adapted for use as the dining facilities and lounge area for the residents of the "retirement housing". In addition, the existing stone entrance features located along Fennell Ave. W. will be incorporated into the proposed redevelopment.

The applicant has advised that the final use and internal configuration of the "retirement housing" has not been determined. It is intended that the "retirement housing" will incorporate a continuum of housing options including "lodging house", "residential care" and "seniors housekeeping dwelling units" within the building (a "seniors housekeeping dwelling unit" incorporates living, cooking and bathing facilities in the individual units with common lounge facilities available to the residents). Furthermore, the applicant has indicated that there would be both single and double occupancy units provided within the "retirement housing" development.

Applicant:

The Bucci/Chiaravalli Group, propsective owners. The subject lands are currently owned by the Sisters of Social Service.

Agent:

Planning and Engineering Initiatves Limited.

Surveyor:

S.D. McLaren, O.L.S.

Location:

The lands are located at the north-east corner of Fennell Avenue West and West 5th Street, known municipally as 88 Fennell Avenue West, in the Southam Neighbourhood (see Appendix "A").

Lot Size and Area:

The subject lands are rectangular in shape and have:

- A lot frontage of 196.9 m along West 5th Street;
- A lot frontage of 194.9 m along Fennell Avenue West;
- A lot depth of 196 m; and,
- A total lot area of 3.765 ha.

LAND USE AND ZONING:

	Existing Land Use	**Existing Zoning**
Subject Lands	Institutional (Mount Cenacle Retreat House) and vacant lands	"C" (Urban Protected Residential, etc) District
Surrounding Land Use		
To the north	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District
To the south	Single Detached Dwellings	"C" (Urban Protected Residential, etc) District
To the west	Institutional (Ontario Psychiatric Hospital and Mohawk College)	"B" (Suburban Agricultural and Residential, etc.) District
to the east	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated as **"RESIDENTIAL"** on Schedule "A" of the City of Hamilton Official Plan. The following policies, amongst others, apply:

"C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

ii) Promote the restoration and/or rehabilitation of housing structures exhibiting Architectural or Historical merit, subject to the provisions of Subsection C.6;

iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;

A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:

i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,

ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density use."

The proposed changes in zoning conflict with the intent of the Official Plan, in that the proposal is not in keeping with the scale and character of the abutting residential area in terms of lot coverage, setbacks, landscaped areas, etc., and does not have regard to the natural vegetation.

However, if the proposed development is approved, then an Official Plan Amendment would not be required.

NEIGHBOURHOOD PLAN:

There is no approved neighbourhood plan for the Southham Neighbourhood.

COMMENTS RECEIVED:

- The Traffic Division, Department of Public Works and Traffic has advised that they have no objection to a change in zoning to permit a variety of residential

developments on the above noted lands. However, with respect to the amended subdivision application, the Traffic Division advised of the following:

"We recommend that the alignment of the future street that intersects with Fennell Avenue West be modified to line up centreline to centreline with West 3rd Street on the south side of Fennell Avenue.

We recommend that the islands shown immediately north of Fennell Avenue and east of West 5th Street be deleted to provide adequate maneuvering for trucks to turn into the future street.

The applicant has indicated that the proposed development has been designed primarily for occupancy by retirees and senior citizens. The proposal providing sidewalks on only one side of the street will require residents on the north and east side of the proposed roadway to cross the road or walk within the travelled portion of the roadway. A high occupancy by retirees and senior citizens emphasizes the need to comply with the current standards for residential subdivisions which include the provision of sidewalks on both sides of residential streets. Therefore, we recommend that the plan be modified accordingly.

Our review of the submitted plan indicates that the distance shown between the front of the garage and the back of the sidewalk on the site plan is 12.0 m, sufficient to accommodate two parking spaces. However, the detail shown on the cross section indicates only 10.5m is provided between the back of the sidewalk and the front of the garage. We recommend that these details be clarified prior to final approval of the plan.

The applicant should be advised that due to the layout of the internal roadways and Street Division of Public Works operating procedures, the option of on-site City garbage pick-up will not be available for the future townhouse development on Block 15. Provision for temporary garbage storage and/or private pick-up should be included in the plan."

- The Regional Environment Department, Development Engineering Section has advised of the following:

"We have the following comments and recommendations with regard to the above noted proposed draft plan of subdivision, as submitted with your letter dated August 14, 1998.

FOR INFORMATION

1) The proposed street to Fennell Avenue West on the draft plan submitted is offset to the east of West 3rd Street located on the south side of Fennell Avenue West. In order to ensure that delay and congestion due to left turn movements on Fennell Avenue West is minimized, we will require that the centreline of the north-south street right-of-way in the subdivision align with the centreline of the West 3rd Street right-of-way.

2) The proposed right-of-way for the public street on the draft plan is 16.0m. Although the City of Hamilton has a standard cross section for 16.0m road allowances, it was intended to be used only on local cul-de-sac streets having a maximum number of approximately 30 residential units. The proposed street is a through street and is not a cul-de-sac or crescent and will contain approximately 220 to 230 residential units. According to current City Policy, municipal sidewalks are required on each side of the street. Based on these factors and providing standard locations for the Utility Companies for their facilities, we will recommend that the street right-of-way width be increased from 16.0m to 20.0m.

3) There are a number of trees, utility poles and a HSR Transit Shelter which may require removal/relocation due to the location of the proposed street intersections on West 5th Street and Fennell Avenue West.

4) At present there are no municipal sidewalks adjacent to the subject lands on Fennell Avenue. Since the entire parcel is one block of land today, the Owner should be required to construct a municipal sidewalk on Fennell Avenue West from the existing sidewalk at the east side of the subject lands to the existing municipal sidewalks at the intersection of Fennell Avenue West and West 5th Street.

5) The City of Hamilton Department of Public Works (Operations Division) has advised our staff that they do not support the proposal for raised traffic median islands within the road pavement as shown on the "Auchmar Village" plan of subdivision. The size of the medians would not support trees and the configuration shown would cause problems for efficient snow clearing operations. They would support a gateway feature type treatment similar to what was constructed at Limeridge Road East and Upper Wellington Street.

RECOMMENDATIONS

1) That the centreline of the right-of-way of the north-south street in the draft plan align with the centreline of the right-of-way of West 3rd Street on the south side of Fennell Avenue West.

2) That the alignment of the north-south subdivision road, north of Fennell Avenue West must be revised to ensure that the tapers, horizontal curves and/or tangents in advance of Fennell Avenue West are to the satisfaction of the City of Hamilton. Should this roadway alignment require the relocation of significant heritage features such as the dove cote or the masonry walls, the cost for these relocations are the sole responsibility of the Owner and the relocations must be to the satisfaction of LACAC and the City of Hamilton.

   Should the relocation of the dove cote and/or masonry walls not be to the satisfaction of LACAC and the City and the alignment of a public right-of-way not meet the satisfaction of the City of Hamilton then a public street at this location will not be permitted.

3) That the right-of-way width of the internal subdivision street be increased from 16.0m to 20.0m and that a 2m by 2m daylight triangle be included in the street right-of-way at the inside angle of the L-shape bend at Block 13 and that the outside radius of the L-shape bend in the street be revised to 20.75m.

4) Should the Committee approve a 16.0m right-of-way for the subdivision street we recommend that this approval be subject to the following conditions:

   i) That the Owner obtain the written confirmation of all the respective Utility Companies that their services can be adequately located and maintained in this right-of-way in the final approved pavement cross section while still maintaining municipal sidewalks on both sides of the street.

   ii) That a 7.0m by 7.0m daylight triangle on the inside of the L-shape bend in the road adjacent to Block 13 be included in the public road allowance. This daylight triangle may have to be increased dependant on the final location of the utilities, sidewalks and curbs of the roadway.

   iii) That the outside property radius of the L-shape bend in the roadway be established at a maximum radius of 15m, dependant on the final location of the sidewalk, curb and utilities. This curvature in the roadway is required to ensure that the off tracking of service vehicles, emergency vehicles, etc. can be accommodated through the 90 degree bend in the roadway.

   iv) That minimum 2m by 2m daylight triangles at the intersection of the subdivision street and Fennell Avenue West, as widened, be either shown as blocks on the plan and dedicated for road widening purposes on the Final Plan by Certificate or that the limits of the subdivision street be adjusted to incorporate these 2m by 2m daylight triangles.

   v) That minimum 2m by 2m daylight triangles at the intersection of the subdivision street and West 5th Street be either shown as blocks on the plan and dedicated for road widening purposes on the Final Plan by Certificate or that the limits of the subdivision street be adjusted to incorporate these 2m by 2m daylight triangles.

   vi) That the building envelopes be adjusted in order to provide a minimum setback of 12.0m between the front of the garage doors and the back of the municipal walk.

   vii) That the Owner design, layout, construct and certify the utilities to the satisfaction of the Utility Companies and the Regional Environment Department and provide spare ducts for future replacements to the satisfaction of the Utility Companies and the Regional Environment Department.

5) That the Owner receive the required approvals from the Forestry Section of the City of Hamilton Department of Public Works and Traffic to remove the street trees within the West 5th Street road allowance. All costs associated with the street tree removal, if approved, and replacement of the trees, the relocation of any Utilities, etc. are the sole responsibility of the Owner.

6) That the Owner review the access to other lands of the Owner and either establish mutual and reciprocal rights-of-ways over Block 16 in favour of other lands of the Owner or construct a direct access to the internal subdivision street from the other lands of the Owner.

7) That the Owner be required to construct at their cost a municipal sidewalk and any slope stabilization works on Fennell Avenue West from the existing sidewalk at the east limits of the subject lands to the existing municipal sidewalk at the intersection of Fennell Avenue West and West 5th Street.

8) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands.

The submitted plan dated July, 1998 and prepared by A. T. McLaren, O.L.S. is satisfactory to the Regional Environment Department subject to the above noted comments and recommendations."

- The Streets & Sanitation Division, Department of Public Works and Traffic has advised of the following:

"This Department does not support the proposal for the islands as shown on the "Auchmar Village" plan. The size would not support trees and the configuration shown would cause problems for efficient snow clearing operations. We could support a gateway type treatment similar to Limeridge and Upper Wellington."

- The Hamilton Region Conservation Authority (HRCA) have advised that they have no objection to the proposed change in zoning.

With respect to the proposed plan of subdivision, the HRCA advised of the following:

"1. That the applicant prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority. The approved plan should include the following notes:

a) All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been revegetated;

b) All erosion and sediment control measures shall be inspected after each rainfall to the satisfaction of Authority staff;

c) Any disturbed area not scheduled for further construction within 45 days will be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction;

d) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction.

2. That the applicant prepare and implement a stormwater management plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority. The approved plan shall address stormwater quantity and quality issues and ensure that current Provincial drainage and stormwater management quality guidelines are implemented.

Comments:

Removal of vegetative cover combined with the construction of the subdivision may increase erosion and sedimentation both on and off the subject property. In this regard, an erosion and sediment plan should be prepared and implemented for the subject property to the satisfaction of the Hamilton Region Conservation Authority.

A stormwater management plan is required for this site. This report will explain the manner in which stormwater will be conveyed from the site, including stormwater management techniques in accordance with Provincial drainage and stormwater quantity and quality guidelines.

Ministry of Natural Resources concerns regarding this project have been addressed through the comments and conditions provided by the HRCA."

- The Building Department advised of the following:

"1. Blocks 1-14, Proposed RT-30 Modified Zoning

The front yard provided on all units is 4.5m in depth, instead of 6.0m required. The rear yard provided on all units, except the 3 most southerly in Block 5, is 6.0 m in depth instead of the 7.5m required.

2. Block 15, Proposed RT-20 Modified Zoning

The rear yard provided on all units is 4.5m in depth, instead of the 6.0m required. The required building setback at the extreme south east boundary abutting Block 11 is 3.0m, or 6.0m for a wall with a habitable room window, and so is insufficient in either case. A screened privacy area for each unit is required but not shown. A lot width of at least 23.0m is required, instead of the 11.5m provided.

3. Block 16, Proposed DE-2 Modified Zoning

The use "multiple dwelling –retirement" is not recognized in the Zoning By-law. Building elevations and dimensions are required to calculate front, rear and side requirements. Building plans are necessary to confirm dwelling units, uses, parking requirements.

4. Block 17, Proposed A Zoning

   The lot width provided is 10.0 m, instead of the 24.0m required.

5. Parking

   A 1.5m wide planting strip and a visual barrier are required where the easterly projecting portion of Block 16 abuts the southern extremity of Block 15. The access drive from Fennell Avenue West to the south parking area of Block 17 is reduced below the 5.5m width required by the existing stone wall. No dimensions are shown for parking spaces or most parking area features."

- The Regional Environment Department, Development Division advised of the following:

"The application conforms with the Hamilton-Wentworth Official Plan.

The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The subject lands are adjacent to the intersection of Stone Church Road West and West 5th Street, which are major arterial roads with potential vehicular noise impacts on residential developments.

Therefore, approval of the proposed subdivision should be conditional upon the following:

1) That the owner agree in writing to register the following noise warning clause for all the residential units within the proposed development:

   "Purchasers are advised that noise levels originating from Stone Church Road West and West 5th Street may become of concern, occasional interfering with some activities of the occupant."

- The Parks Development Division, Department of Public Works and Traffic has advised that the proposed park block cannot be supported for the following reasons:

"a) since it is an isolated site which has limited visibility from the street and will be fenced on three sides where it abuts the proposed residential uses, it may not be possible to see the activities that are occurring in the park (ie dogs running off the leash). As an isolated site, security could perhaps be improved with lighting but the City has had a history of problems with lighting parks adjacent to residential units;

b) due to the size and configuration of the proposed park, there are potential for land use conflicts such as noise emanating from the park and encroachment by abutting property owners into the public space. Due to the configuration of the site and the proximity to residential units the City will be forced to bare a considerable maintenance burden. A better planned

site would eliminate the anticipated staff time required to deal with expected problems at this site;

c) the size of the park is too small for neighbourhood park facilities; and,

d) there are two established neighbourhood parks within the Southam Neighbourhood and therefore additional parkland within this neighbourhood is not required."

- The Local Architectural Conservation Advisory Committee (LACAC) at its meeting of November 16, 1998, adopted the following recommendations:

"a. That LACAC not support the proposed redevelopment of the Auchmar Estate, as shown on the Draft Plan of Subdivision, prepared by Planning & Engineering Initiatives Ltd. (July, 1998), because of the loss of rare heritage features, such as the dovecote, wall garden, stone walls and allees, which together with the main house and coachhouse form a unique cultural landscape.

b. That LACAC would prefer to see a higher quality, lower density type of development on the site which would retain the above heritage attributes.

c. That the following major heritage attributes of the Auchmar Estate be identified, in order of priority: main house (exterior, interior woodwork, staircases, first and second storey hallways, main floor rooms); coach house (exterior walls plus stone wall with arched entrance); dovecote (exterior) and attached garden wall; long north-south wall close to eastern boundary of property; section of stone wall with original main entrance archway (filled in) along the northern boundary.

d. That a letter be sent to the Historic Sites and Monuments Board of Canada requesting that the "Auchmar Estate" at 88 Fennell Avenue West be evaluated for recognition as a Natural Historic Site."

COMMENTS:

1. The proposal conflicts with the general intent of the Official Plan in that the proposal is not in keeping with the scale and character of the abutting residential area in terms of lot coverage, setbacks, landscaped areas, etc. and does not have regard to the natural vegetation.

2. The applicants are proposing to redevelop the Auchmar Estate for 61 street townhouse units, 19 condominium townhouse units, a 144 unit "retiremennt housing" building, a muncipal park block, and to establish a municipal street connecting Fennell Ave. E. with West 5th Street. The subject lands are presently owned and occupied by the Sisters of Social Service and the original dwelling has been adapted for use as the Mount Cenacle Retreat House.

The subject lands are 3.765 ha in size and are presently occupied by a number of significant heritage features: the main house which was built in 1853; the coach house; a dovecote and attached garden wall, and a series of stone walls located along the easterly portion of the property, and a smaller section of the stone wall with original main entrance archway (filled in) along the northern boundary of the subject lands. In addition, the subject lands are heavily treed with major vegetation along the westerly and northerly portion of the site. There is also an abandoned orchard on the subject lands oriented in a north-south axis in the easterly portion of the subject lands.

Planning and Development Department staff support the concept of redevelopment of the subject lands for residential uses. However, there are several significant concerns with the proposed plan of subdivision "Auchmar Village" and associated changes in zoning that need to be addressed and incorporated into a redevelopment plan for the subject lands.. These issues relate to heritage and the natural environment, zoning standards, the proposed park block and compatibility with the established residential neighbourhood. In addition, the Regional Environment Department, Development Engineering Section; the Traffic Division and the Streets and Sanitation Division have advised that there are design issues associated with the proposed street connecting West 5th Street with Fennell Avenue West. These issues relate to the width of the road allowance and servicing, road geometry and on-street parking.

Heritage: As a result of the combination of the existing natural features and the architectural and historical significant building and features, LACAC has recommended that the Historic Sites and Monuments Board of Canada be requested to evaluate and recogonize the "Auchmar Estate" as a Natural Historic Site. This recommendation is based on LACAC's analysis of the subject lands. This analysis has identified the main house (exterior, interior woodwork, staircases, first and second storey hallways, main floor rooms); coach house (exterior walls plus stone wall with arched entrance); dovecote (exterior) and attached garden wall; long north-south wall close to eastern boundary of property; and the section of stone wall with original main entrance archway (filled in) along the northern boundary as the major heritage attributes for retention.

LACAC has advised that they do not support the proposed development as it is not considered to be sympathetic to the unique cultural landscape comprised of the exiting building and structures within the context of the surrounding natural vegetation.

LACAC staff have requested that prior to the development of any portion of the subject lands, that a Heritage Assessment be undertaken at the expense of the applicant to identify the opportunities and constraints under which the redevelopment of the subject lands could occur, while maintaining the significant heritage features on the "Auchmar Estate".

Natural Environment: The applicants are proposing to establish a municipal road and subdivide the subject lands to permit 61 freehold and 19 condominium townhouse units on the subject lands. This will require the removal of a significant

portion, if not the majority, of the existing vegetation on the subject lands. Based on the development plans submitted by the applicant, there will be residual areas of vegetation retained. The applicant has been requested to prepare and submit a tree inventory/preservation plan to identify the areas with the most significant species to ensure that these areas are adequately protected and retained. To date, this plan has not been submitted. As such, the proposed plan is considered to be premature.

Zoning Standards – Street and Condominium Townhouse Units (Blocks "1" and "2"): The applicant has requested several variances to the "RT-20" District, the "RT-30" District with respect to the required minimum front and rear yard setback requirements (see APPENDIX "C").

The applicant has requested a reduction in the required front yard and rear yard setbacks for the street townhouse and condominium townhouse units to accommodate the proposed bungalow townhouse units on 28.5 m deep lots. Rather than reducing the zoning standards, the street pattern could be revised to provide for 30 m deep lots and increase the size of the condominium townhouse block accordingly. This would eliminate the need for requested variances to the required front and rear yards.

There are existing single family dwellings that directly abut the proposed street townhouse units. The applicant has indicated that the variances to the Zoning By-law are required because they are proposing to build bungalow townhouse units. Bungalow townhouse units have been constructed in other areas of the City of Hamilton in accordance with either the "RT-20" District and the "RT-30" District provisions of the zoning by-law. As such, the applicant has not provided sufficient justification or any planning rationale to support the requested variances to the Zoning By-law. Therefore, the proposed modifications to the "RT-20" District and "RT-30" District cannot be supported.

Ideally, single-family dwellings should be developed around the perimeter of the developable lands to provide a transition between existing development and higher density development on the interior of the subject property.

Zoning Standards – "Retirement Housing" (Block "3"): The applicant has requested several variances to the "DE-3" District regulations to permit the proposed adaptive reuse of the main house for a senior citizens retirement building. . The "Auchmar House" will be adapted for use as the dining facilities and lounge area for the residents of the "retirement housing". In addition, the existing stone entrance features located along Fennell Ave. W. will be incorporated into the proposed redevelopment.

The applicant has advised that the final use and internal configuration of the "retirement housing" has not been determined. It is intended that the "retirement housing" building will include both "lodging house", "residential care" and "seniors housekeeping dwelling units" ("seniors housekeeping units provide living, cooking and bathing facilities in the individual units with common amenity areas available to the residents). Furthermore, the applicant has indicated that there would be

both single and double occupancy units provided within the "retirement housing" development.

The Building Department has advised that the proposed use "multiple dwelling – retirement" is not recognized in the Zoning By-law. Furthermore, building plans showing the elevations, dimensions, dwelling units, uses are required to determine parking requirements and to calculate the front, rear and side yard requirements. Based on the information provided, there is a possibility that additional variances could be required but would not be identified until such time as an application for site plan approval has been made. Depending on the nature of the variances required, a new rezoning application for Block "3" could be required. Therefore, the proposed change in zoning from "C" District to "DE-2" District, modified, is considered to be premature at this point in time.

Proposed Park Block: The applicant is proposing to dedicate a 1,990 m^2 block of land as parkland to the City of Hamilton. The Parks Development Division has advised that the proposed park block cannot be supported for the following reasons:

a) the proposed park block is an isolated site which has limited visibility from the street and will be fenced on three side where it abuts the proposed residential uses, it may not be possible to see the activities that are occurring in the park (ie dogs running off the leash);

b) due to the size and configuration of the proposed park, there are potential for land use conflicts such as noise emanating from the park and encroachment by abutting property owners into the public space;

c) the size of the park is too small for neighbourhood park facilities; and,

d) there are two established neighbourhood parks within the Southam Neighbourhood. As such, additional parkland within this neighbourhood is not required.

Road Allowance: The applicants are proposing to establish a 16.0 m wide public street as opposed to the City standard of 20.0 m. Although the City of Hamilton has a standard cross section for 16.0 m road allowances, it was intended to be used for local cul-de-sac streets with approximately 30 residential units. The proposed street is a through street with approximately 220 to 234 residential units. It is City Policy to requires that municipal sidewalks be provided on each side of a through street.

Based on the provision of sidewalks on both sides of the streets, and the standard locations for the Utility Companies, the road allowance should be increased from 16.0 m to 20.0 m. Alternatively, the applicant will need to secure written confirmation from the respective Utility Companies that servicing can be adequately located within the road allowance while still allowing for sidewalks on both sides of the street. It is noted that the applicant has met with the utilities coordinating committee to discuss the proposed 16.0 m wide road allowance and the respective Utilities indicated that they did not support the proposed 16.0 m wide road allowance.

Road Geometry: The plan, as submitted, provides for an off-set intersection at Fennell Ave. W. and West 3rd Street. The proposed street is offset to the east of West 3rd Street. In order to ensure that delay and congestion due to left turn movements on Fennell Ave. W. is minimized, the location of the proposed street needs to be shifted westerly to ensure that the centreline of the north-south street right-of-way in the subdivision design aligns centreline to centreline with the existing centreline of West 3rd Street. It is noted that the realignment of the road must consider the location of the existing dovecote and that prior to any road alignment being finalized, that a heritage/structural assessment of the dovecote should first be undertaken to determine the parameters under which the road allowance and the dovecote can co-exist.

On-Street Parking/Through Traffic: The subject lands are located in close proximity to Mohawk College. This could create an on-street parking problem whereby Mohawk College students would use the local street for parking during school hours. In addition, the proposed street design could result in traffic using the local street as a "short-cut" to West 5th St from Fennell Ave. W. To resolve these concerns, the applicant has proposed traffic islands in the centre of the proposed road. The Streets & Sanitation Division, Department of Public Works and Traffic has advised that the proposed islands are too small to support street trees and that the configuration of the islands would cause problems for efficient snow clearing operations. Furthermore, the traffic islands shown immediately north of Fennell Avenue and east of West 5th Street would conflict with adequate maneuvering for trucks to turn into the future street and should be removed.

Summary: Redevelopment of the subject lands should be sympathetic to the existing natural and heritage features of the former "Auchmar Estate". In this regard, prior to the preparation of development options, a constraint map should be prepared based on heritage features, the natural environment, the surrounding established residential neighbourhoods and engineering constraints due to the existing road network.

6. Although there is no approved neighbourhood plan for the Southam Neighbourhood, the proposed development will have several effects on the surrounding area. Planning and Development Department staff have supported reduced front yard setbacks and the integration of various dwelling types (single family, semi-detached and street-townhouse units).

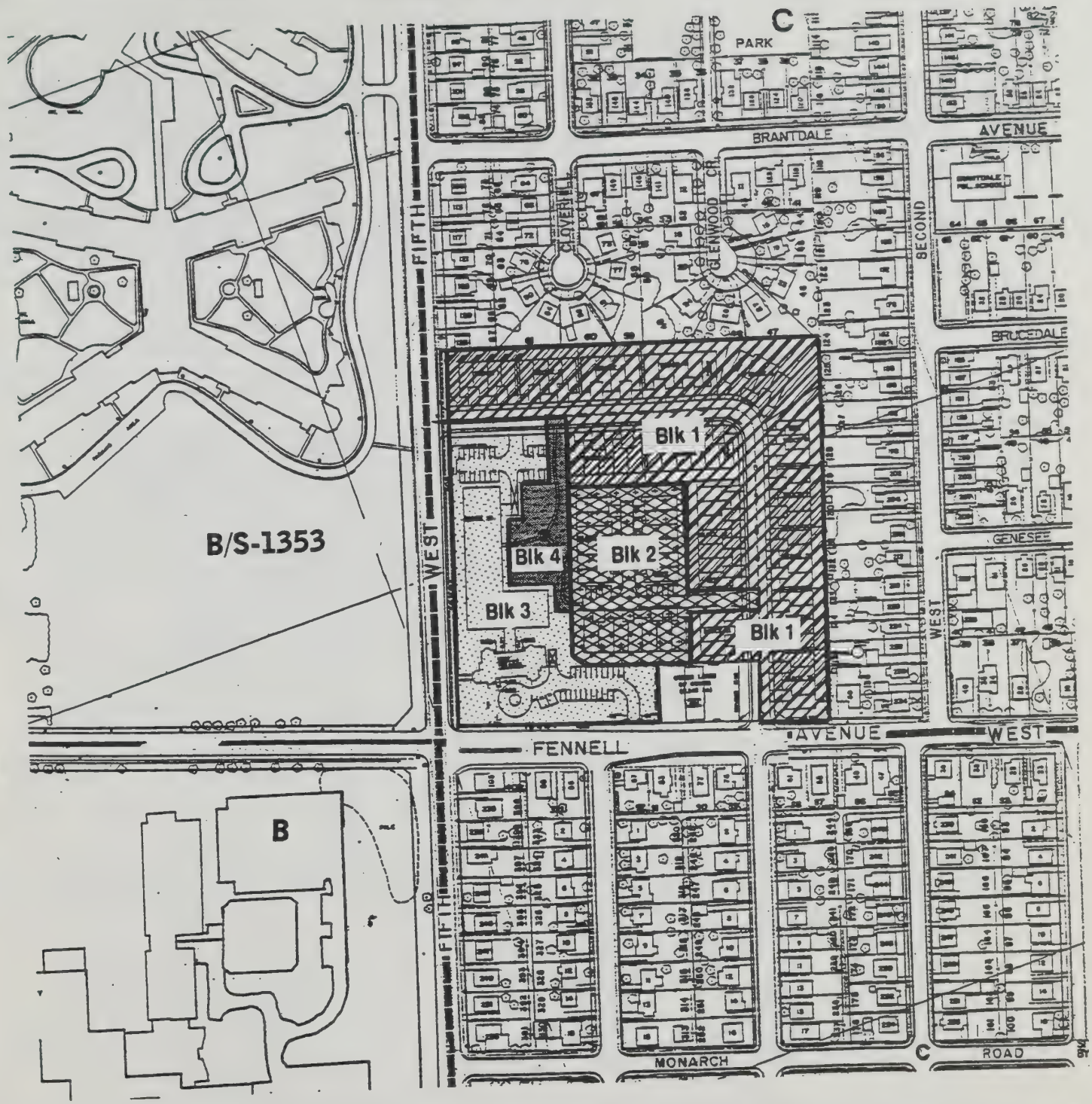
   The development proposals that have been approved to date are for lands that were either designated as "innovative housing" on the applicable neighbourhood plan (eg Gourley Neighbourhood, Falkirk West Neighbourhood) or as demonstration projects to allow for the opportunity to implement and evaluate alternative lands use arrangements (eg Kernighan Neighbourhood). However, the concept of combining dwelling types and alternative/reduced zoning standards in other areas of the City is considered to be premature until such time as the approved developments have been fully developed and staff have had an opportunity to evaluate the ultimate development of the subject lands.

CONCLUSION:

On the basis of the foregoing, the applications are considered to be premature and represent an over-intensification of development for the subject lands. Accordingly, it is recommended that the applications be DENIED.

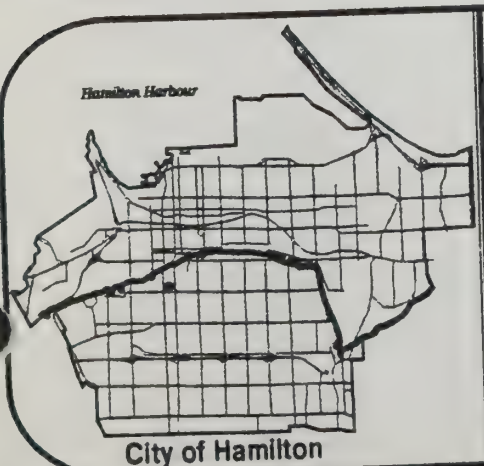
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PLANNING AND DEVELOPMENT DEPARTMENT

Location Map



Change in Zoning from "C" (Urban Protected Residential, etc) District to:

Blk 1		"RT-30" (Street Townhouses) (Modified)
Blk 2		"RT-20" (Townhouse-Maisonette) (Modified)
Blk 3		"DE-2" (Multiple Dwellings) (Modified)
Blk 4		"A" (Open Space, Park and Recreation)

Reference file
ZAC-98-32

Scale
Not to Scal

Date
November, 19

Technician
Fab/J.S

North

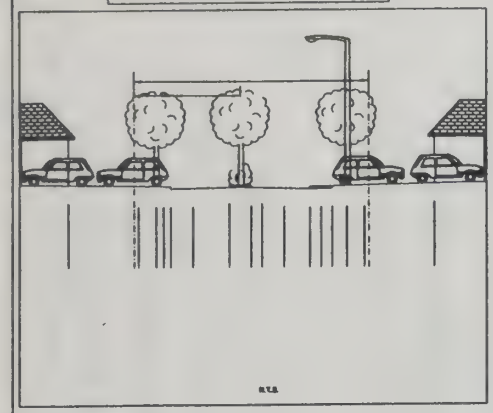
APPENDIX A

Auchmar Village

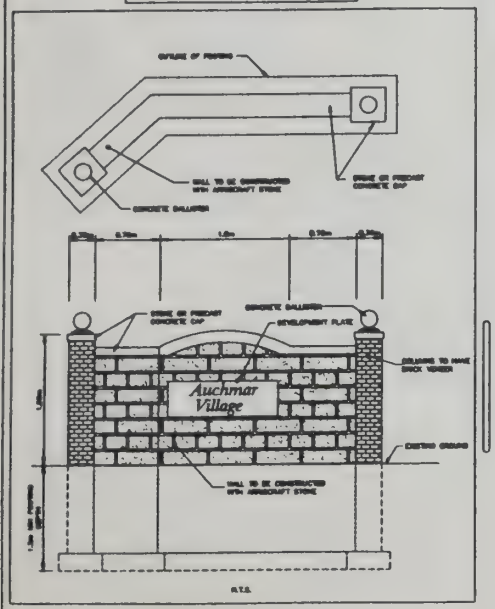
DRAFT PLAN OF SUBDIVISION

PART OF LOT 15 , CONCESSION 4
FORMERLY TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
THE REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH

TYPICAL 16.0m R.O.W. X–SECTION



ENTRANCE FEATURE DETAIL



RESIDENTIAL

LOT 68 | LOT 67 | LOT 61 | LOT 60 | LOT 59 | REGISTERED PLAN 768 | LOT 49 | LOT 48 | LOT 47

RESIDENTIAL

WEST 5th STREET

BLOCK 1 4 UNITS
BLOCK 2 4 UNITS
BLOCK 3 4 UNITS
BLOCK 4 5 UNITS
BLOCK 5 4 UNITS
BLOCK 6 3 UNITS
BLOCK 7 4 UNITS
BLOCK 8 4 UNITS
BLOCK 9 4 UNITS
BLOCK 10 4 UNITS
BLOCK 11 3 UNITS
BLOCK 12 7 UNITS
BLOCK 13 6 UNITS
BLOCK 14 5 UNITS
BLOCK 15 19 UNITS Area=6,045 sq.m.
BLOCK 16 144 UNITS
BLOCK 17 PASSIVE PARK

EXISTING STUCCO–CLAD STONE BUILDING AUCHMAR HOUSE

OTHER LANDS OF OWNER (0.142 ha)

EXISTING STONE BUILDING

N 71° 29' 00" W 196.094
N 18° 31' 00" E 194.882
N 69° 48' 00" W 105.105
N 69° 48' 00" W 44.196
N 20° 12' 00" E 32.198
N 69° 48' 00" W 45.430
N 18° 12' 00" E 202.452

REGISTERED PLAN 2nd WEST RESIDENTIAL STREET

FENNELL AVENUE

WEST 4th ST.
WEST 3rd ST.
WEST 2nd ST.

SITE
BRANTDALE AVE.
5th STREET
WEST SECOND STREET
JAMES STREET
FENNELL AVE.
UPPER
OTHER LANDS OF OWNER
WEST
KEY MAP N.T.S.

INFORMATION REQUIRED
UNDER SECTION 51(17) OF THE PLANNING ACT
D– SEMI–DETACHED, STREET AND CONDO TOWNHOUSES AND LOW RISE BUILDING
E– RESIDENTIAL
H– MUNICIPAL WATER SUPPLY
I– BRANT SILT LOAM
K– FULL MUNICIPAL SERVICES

REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH PLANNER R.P.P.

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS, ARE ACCURATELY AND CORRECTLY SHOWN ON THE PLAN.
SIGNED _____ S.D. McLAREN O.L.S.
DATE _____ 19 99

OWNER'S CERTIFICATE
I HEREBY CONSENT TO THE FILING OF THIS PLAN BY PLANNING AND ENGINEERING INITIATIVES LTD IN DRAFT FORM.
SIGNED _____ (WITH AUTHORITY) BOARD OF SCHOOL TRUSTEES
DATE _____ 19 99

DEVELOPMENT DETAILS

FREEHOLD TOWNHOUSES	BLOCKS 1 to 14	1.559 ha
CONDO. TOWNHOUSES	BLOCK 15	0.604 ha
MEDIUM DENSITY	BLOCK 16	0.889 ha
PASSIVE PARK	BLOCK 17	0.199 ha
ROADS		0.514 ha
		3.765 ha

SUBDIVISION DRAFT APPROVAL
APPROVED UNDER SECTION 51 OF THE PLANNING ACT BY THE COMMISSIONER OF ENVIRONMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH
THIS _____ DAY OF _____ 199
_____
COMMISSIONER OF ENVIRONMENT
REGIONAL MUNICIPALITY OF HAMILTON–WENTWORTH
AUTHORIZED BY BY–LAW No. R95–041

REVISIONS

NO.	DESCRIPTION	DATE	INIT.
1	PER CITY'S AND CLIENT'S COMMENTS	OCT./98	S.M.P.

PLANNING & ENGINEERING INITIATIVES LTD.

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LANDSCAPE
ARCHITECTS

88 John Street South, Suite 200
Hamilton, Ontario L8N 2B9
tel. (905)546–1010 Fax (905)546–1011
e–mail: hamilton@planningandengineering.on.ca

HAMILTON • KITCHENER–WATERLOO

Designed By: S.M.P.	Scale: 1:500
Drawn By: S.M.P.	Date: JULY 1998
Checked By: S.M.	Drawing Number: 1 – 1
Project: HP555	

APPENDIX B

'APPENDIX C - MODIFICATIONS TO ZONING BY-LAW

(SEE ATTACHED DETAIL SKETCH)

*Variance to By-law

RT-30: Street Townhouses (Blocks 1 to 14)			
		Required	Provided
1.	Minimum Lot Area	180 sq.m.	min. 230 sq.m.
2.	Front Yard	6.0 m	4.5 m for face of dwelling * 6.0 m for garage
3.	Rear Yard	7.5 m	6.0 m *
4.	Side Yards	1.2 m	1.25 m
6.	Parking (61 units)	61 spaces	183 spaces (includes attached garages)
RT-20: Condominium Townhouses (Block 15)			
		Required	Provided
1.	Minimum Lot Area	4370 sq.m	6045 sq.m
2.	Distance Btwn. Bldgs. (face to face)	15.0 m	15.6 m
3.	Rear Yard	6.0 m	4.5 m *
4.	Front Yard	6.0 m	6.0 m
5.	Side Yard	3.0 m	3.0 m
6.	Landscaping	40% of lot area	40% (2423 sq.m)
7.	Parking (19 units)	25 spaces	28 spaces
DE-2: Site Specific: Multiple Dwellings-Retirement Housing (Block 16)			
		Required	Provided
1.	Minimum Lot Area	630.0 sq.m	8890.0 sq.m
2.	Minimum Frontage	21.0 m	105.105 m
3.	Front Yard	5.0 m	21.8 m
4.	Rear Yard	4.8 m	27.0 m
3.	Side Yard	8.75 m	3.0m east side & 6.0m on west side*
4.	Landscaping	25% of lot area	48.6% (4564.74 sq.m)
5.	Max. Height	8 storeys	4 storeys
6.	Max. Floor Area	8001.0 sq. m	8001.0 sq.m
7.	Parking	41 spaces	43 spaces
A: Passive Park (Block 17)			
		Required	Provided
1.	Minimum Lot Area	1848.0 sq.m	1990.0 sq.m
2	Minimum Width	24.0 m	10.0 m*

CITY OF HAMILTON

2a)

- RECOMMENDATION -

DATE: 1998 November 20

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Auchmar Estate, 88 Fennell Avenue West – Proposed "Auchmar Village" Residential Development

RECOMMENDATION:

a) That the proposed redevelopment of the Auchmar Estate, as shown on the Draft Plan of Subdivision, prepared by Planning & Engineering Initiatives Ltd. (1998 July), not be supported because of the loss of rare heritage features, such as the dovecote, walled garden, stone walls and allees, which together with the main house and coachhouse form a unique cultural landscape; and,

b) That a letter be sent to the Historic Sites and Monuments Board of Canada requesting that the "Auchmar Estate" at 88 Fennell Avenue West be evaluated for recognition as a National Historic Site.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

BACKGROUND:

The Local Architectural Conservation Advisory Committee at its meeting held 1998 November 16 approved the above-noted recommendation in support of a lower density type of development on the site which would retain the following heritage attributes which are listed below in order of priority: main house (exterior, interior woodwork, staircases, first and second storey hallways, main floor rooms); coach house (exterior walls plus stone wall with arched entrance); dovecote (exterior); adjacent garden wall; long north-south wall close to eastern boundary of property; section of stone wall with original main entrance archway (filled in) along the northern boundary.

The Auchmar Estate is listed on the City's Inventory of Buildings of Architectural and/or Historical Interest and is eligible for designation under the Ontario Heritage Act. LACAC has requested Planning and Development Department Staff to prepare the Reasons for Designation.

The property today comprises a 9.65 acre parcel of land at the north-east corner of Fennell Avenue West and West Fifth Street. The historic component was originally the home of Sir Isaac Buchanan, a successful businessman and politician. In 1853 Buchanan acquired Claremont Estate, a large tract of land extending from the present-day Fennell Avenue to the mountain brow, and in 1855 he built the existing Gothic Revival villa (88 Fennell Avenue West) and a number of outbuildings including a stable, dovecote and entrance lodge (now a private residence at 71 Claremont Drive). Most of the original estate was subdivided for housing in the course of this century, thereby separating the entrance lodge from the main house. In the 1960s a large wing was added to the rear of the main house, which includes a conference centre (The Retreat).

Owned and occupied by the Sisters of Social Service since 1946, the historic villa is now largely vacant as the Sisters have moved into the coach house. Their intent is to retain ownership of the coach house and a small parcel of land which will be severed from the remainder of the property, when it is sold. An application dated 1998 August 14 has been submitted by the Sisters of Social Service for a change in zoning from "C" (Urban Protected Residential) District to permit the development of an "adult lifestyle" community on the site.

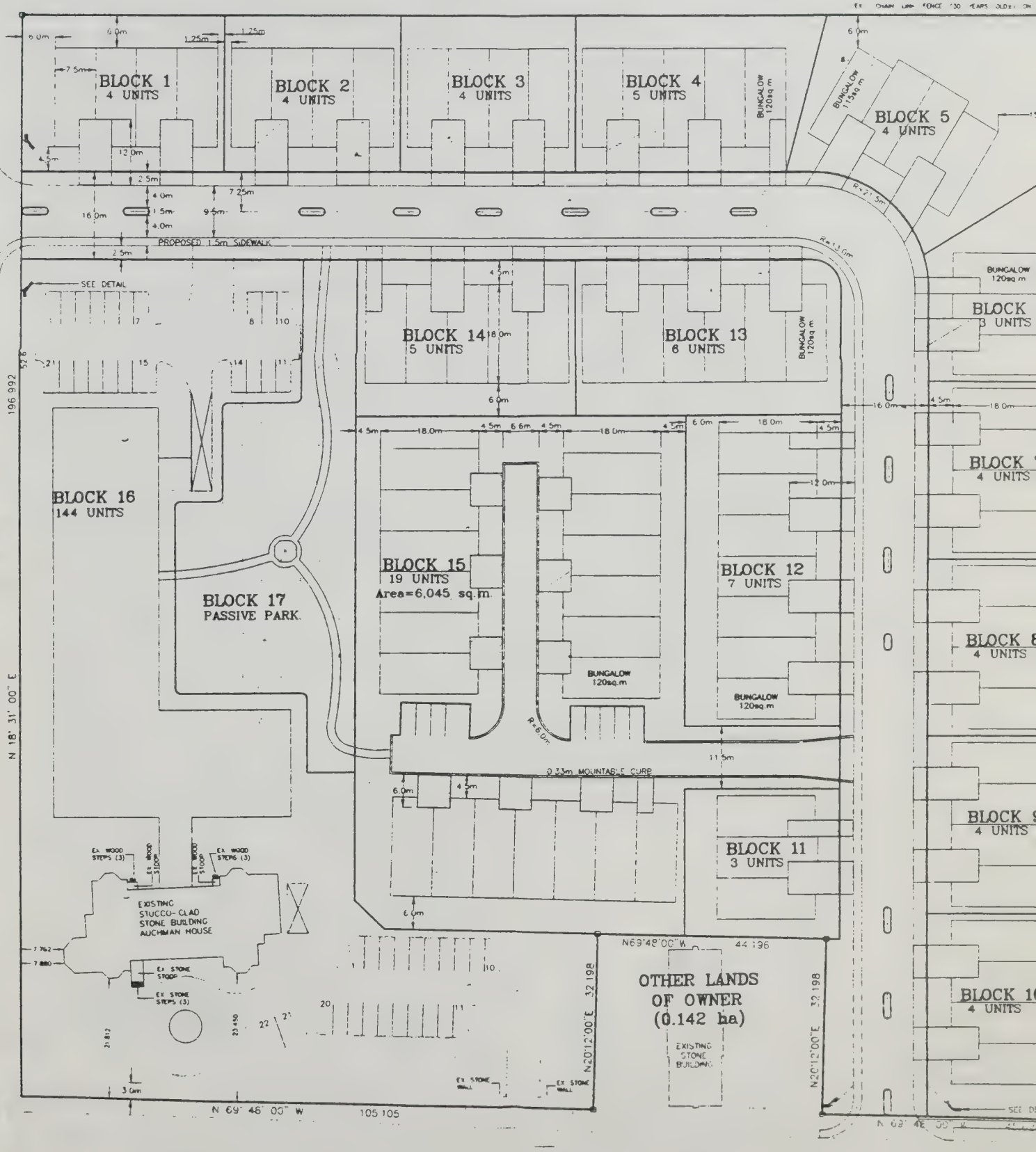
The developer proposes to build 15 blocks of bungalow townhouse units and a four-storey, 144-unit seniors housing complex on the site. The original house is to be retained (as shown on the Plan of Subdivision) with the later addition demolished for the construction of a four-storey building to the north. This Plan would eliminate the stone wall, the dovecote and walled garden, the treed allees and most other trees except for those located around the main house and in the small park space.

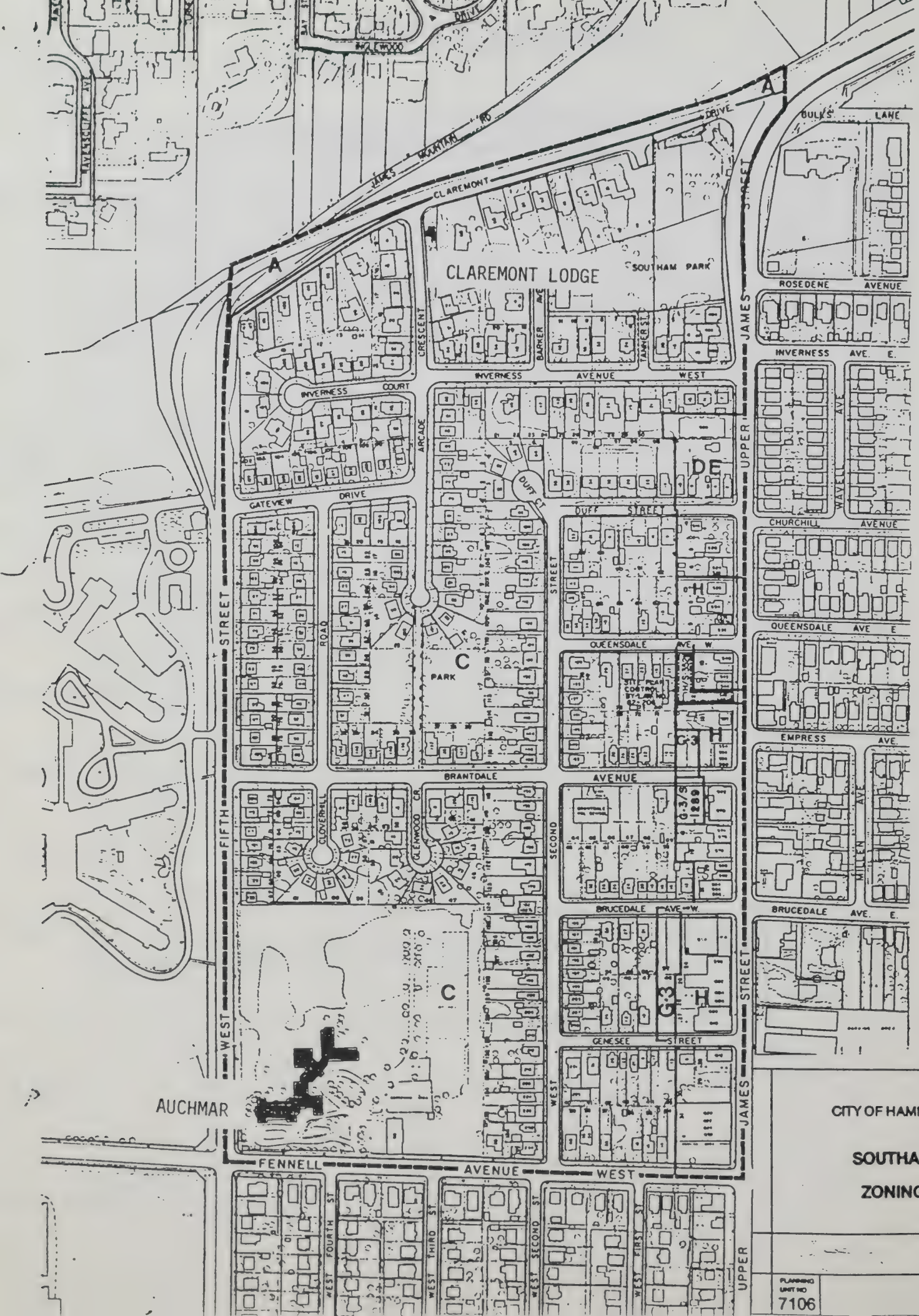
Planning Staff are currently reviewing the Draft Plan of Subdivision and have a number of concerns ie. over-intensive use of the site and loss of built heritage and landscape features, which they hope to resolve by exploring other options for the location of the buildings and roadways. Planning & Engineering Initiatives Ltd. has been requested to provide a tree inventory.

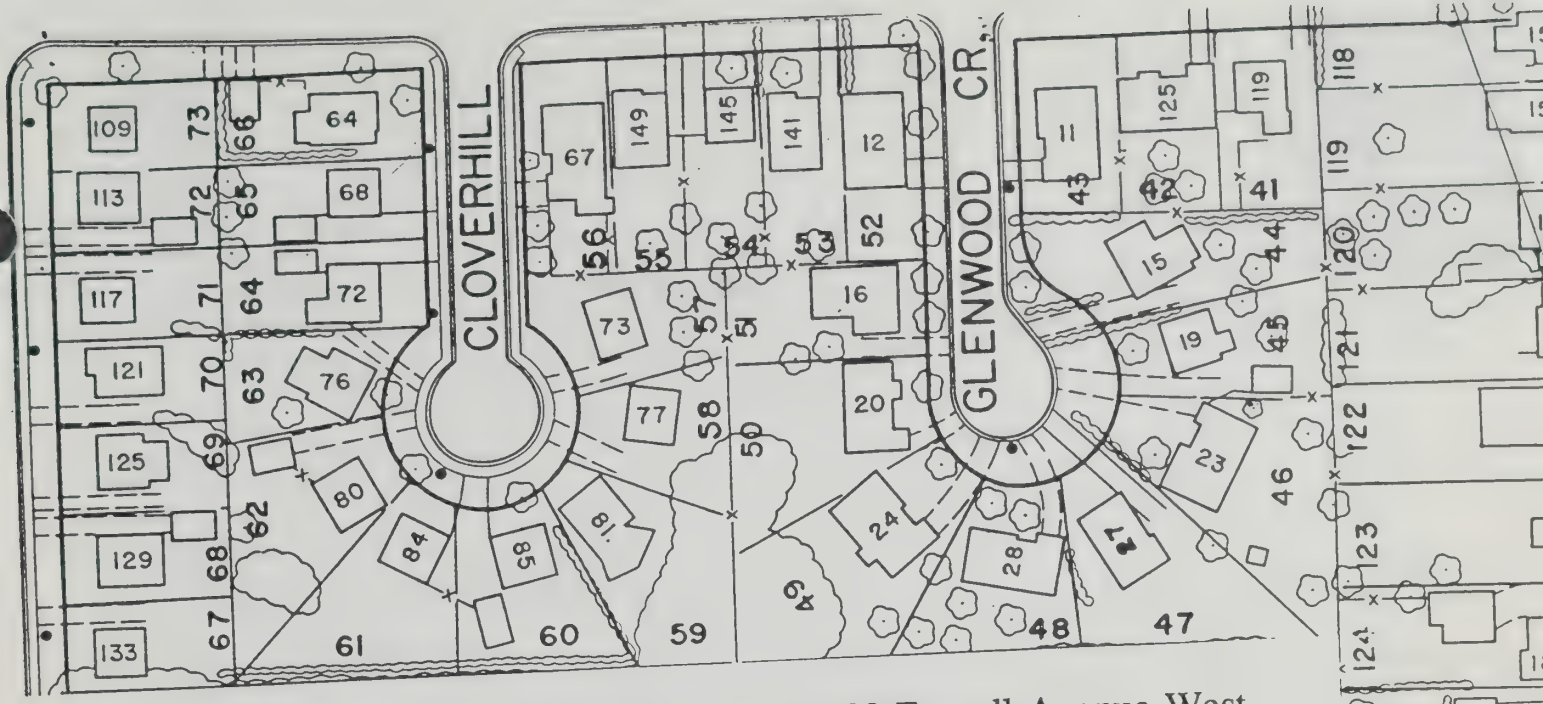
Cc Victor Abraham, Director, Planning and Development Department
Nina Chapple, Planning and Development Department

Auchmar Village

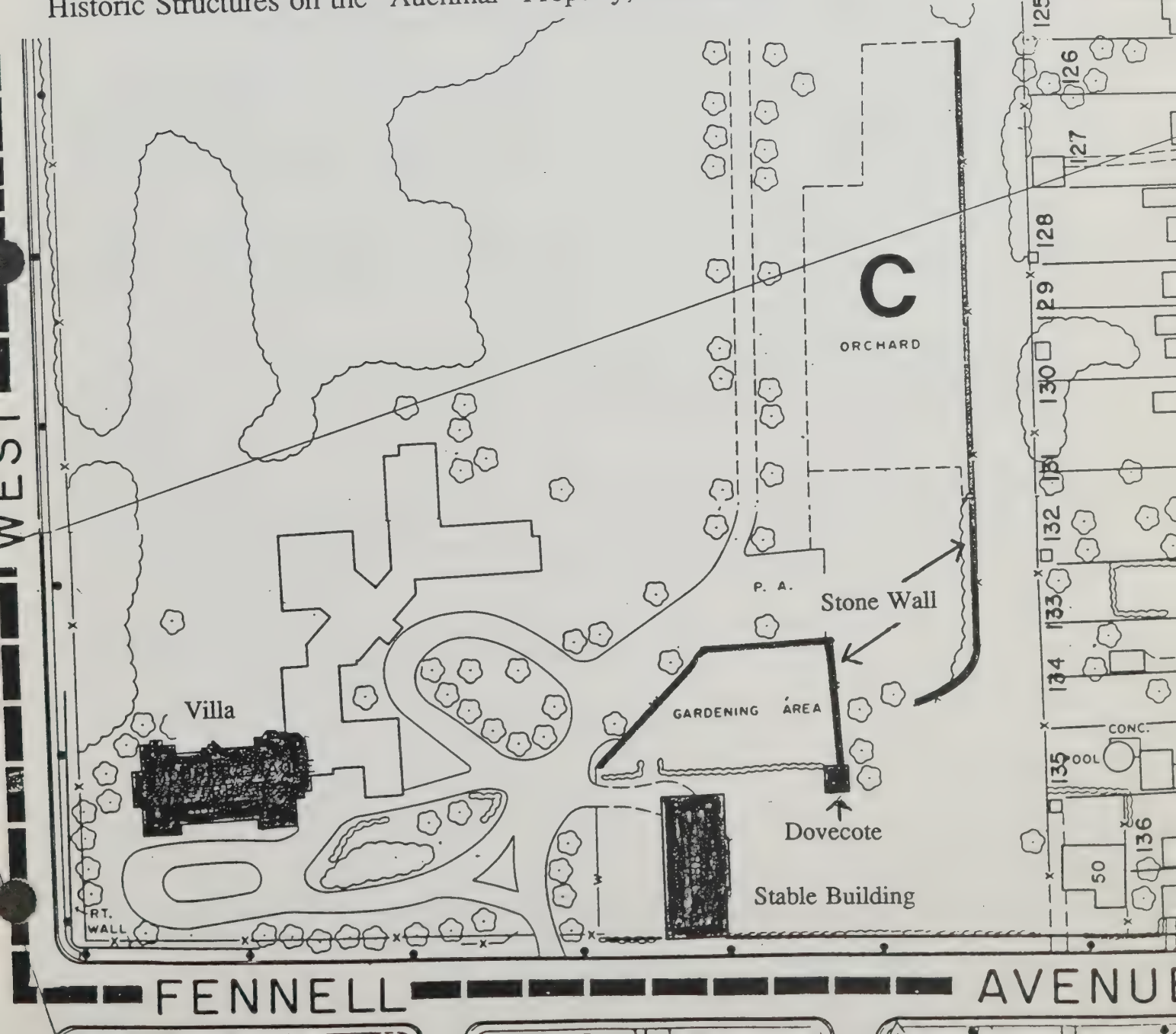
Proposed Plan of Subdivision
by Planning & Engineering Initiatives Ltd.




CLAREMONT LODGE
SOUTHAM PARK
JAMES MOUNTAIN RD
CLAREMONT DRIVE
JAMES STREET
UPPER
BULK'S LANE
ROSEDENE AVENUE
INVERNESS AVE. E.
CHURCHILL AVENUE
QUEENSDALE AVE E
EMPRESS AVE.
BRUCEDALE AVE. E.
INVERNESS AVENUE WEST
INVERNESS COURT
INVERNESS CRESCENT
BARKER AVE
TANNER ST
ARCADE
GATEVIEW DRIVE
DUFF ST
DUFF STREET
QUEENSDALE AVE. W.
BRANTDALE AVENUE
BRUCEDALE AVE. W.
GENESEE STREET
FIFTH STREET WEST
SECOND STREET WEST
CLOVERHILL ROAD
GLENWOOD CR.
MILLEN AVE
PARK
AUCHMAR
FENNELL AVENUE WEST
WEST FOURTH ST
WEST THIRD ST
WEST SECOND ST
WEST FIRST ST
DE
H
C
G-3
G-3/S-1280
CITY OF HAMILTON
SOUTHAM
ZONING
PLANNING UNIT NO
7106



Historic Structures on the "Auchmar" Property, 88 Fennell Avenue West



261



CITY COUNCIL
HAMILTON, CANADA

DUKE O'SULLIVAN, ALDERMAN, WARD 8

71 MAIN STREET WEST, HAMILTON L8P 4Y5 • (905) 546-2705 • RES. (905) 385-9389

November 26, 1998

Alderman Frank D'Amico, Chairman
Planning and Development Committee

Dear Alderman D'Amico:

PROPOSED ZONING APPLICATION
'AUCHMAR VILLAGE' (CORNER OF FENNELL AND WEST 5TH)

As I will be unable to attend the next Planning and Development Committee meeting on Wednesday, December 2, 1998, I would like to give you my comments on the Proposed Zoning Application and Development Plan for the "Auchmar Village" that is being proposed at the corner of Fennell and West 5th on the "Sisters of Social Service" property.

The plan has many positive aspects such as protecting the Auchmar House and some unique design features and concepts. However, at the neighbourhood meeting held on November 24th, which was attended by over 70 residents, it was quite evident that these residents have many concerns about this development.

These concerns include the high density of housing being proposed, the destruction of the many mature trees, the removal of a 16ft stone wall separating the properties, the fact that there are only single family units in the neighbourhood today, traffic concerns and so on.

Based on these concerns and unanswered questions, I would like to see more meetings with the residents and developers, plus input from our Planning Department in order for us to reach an amicable solution. I believe everyone can support developing this area but the details need further work and as such, I feel a referral back to staff is in order.

I thank you for your time and consideration and I know you will deal with this matter in your usual prudent and conscientious manner.

Yours truly,

Duke .

DUKE O'SULLIVAN
Alderman, Ward 8

c.c. - Members, Planning & Development Committee
- Secretary, Planning and Development Committee ✓

Office of the Municipal Clerk
Memorandum

3.

TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: J. J. Schatz
Municipal Clerk
Office of the Municipal Clerk

PHONE: (905) 546-2727

DATE: 1998 November 25

SUBJECT: SA-98-04 and ZA-98-34 for
Lands south of Stone Church Road West
and west of West Fifth Street

City Council at its meeting of 1998 November 24 referred back Item 1 of the Twentieth report of the Planning and Development Committee as follows:

"1.A. (a) That approval be given to Subdivision Application 98-04, (Regional File No. 25T-98010), Alfred Massi and Emidio Massi, owners to establish a draft plan of subdivision "Cornerstone Estates", on lands located south of Stone Church Road West and west of West Fifth Street in the Sheldon Neighbourhood, as shown on the attached map marked as Appendix "A", subject to the following conditions:

(i) That this approval apply to the plan prepared by Urbex Engineering Limited and certified by Bryon Jacobs, O.L.S., dated August 20, 1998, as revised in red, showing 27 lots for single detached dwellings, 5 blocks to be developed with the abutting lands for single detached dwellings, 1 block for townhouse dwellings, 1 block for road widening purposes, 2 blocks for 0.30 m reserves, and two streets identified as Street "A" and Court "B", attached as Appendix "B"; and,

(ii) That Street "A" and Court "B" be named to the satisfaction of the City of Hamilton and the Region of Hamilton-Wentworth; and,

(iii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development a municipal street numbering plan; and,

(iv) That the owner shall erect a sign in accordance with Section XI of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton; and,

(v) That the final plan conform with the Zoning By-law approved under the Planning Act; and,

(vi) That the owner provide the City of Hamilton with a certified list showing the net lot area and width of each lot and block and the gross area of the subdivision in the final plan; and,

(vii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under Section 51 of the Planning Act; and,

(viii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,

(ix) That the Owner agree to include the following warning clause to be registered on title of all Lots and Blocks within the plan of subdivision, and the owner shall ensure that the warning clause is included in all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and the City Solicitor; and,

(x) That the final plan be revised to provide for 9m radius transitions into and out of the cul-de-sac bulb on Court "B" to the satisfaction of the Commissioner,Regional Transportation Department; and,

(xi) That the Owner prepare and implement a tree preservation/restoration plan to the satisfaction of the City Horticulturist, Department of Public Works and Traffic; and,

(xii) That the Owner be responsible for all costs associated with the removal and/or replacement of any trees within the adjacent road allowance as determined by the City Horticulturist, Department of Public Works and Traffic; and,

(xiii) That the final plan be revised such that the east-west section adjacent to Lots 10, 11 and 12 must align centreline-to-centreline with Pantano Drive on Registered Plan 62M-827 to the satisfaction of the Manager, Development Division, Regional Environment Department and the Director, Programme and Maintenance Division, Regional Transportation Department; and,

(xiv) That the final plan be revised to provide for a 0.30 m reserve at the westerly limits of Court "B" to the satisfaction of the Manager, Development Division, Regional Environment Department and the Director, Programme and Maintenance Division, Regional Transportation Department; and,

(xv) That the applicant prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority. The approved plan is to include the following:

(1) All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been revegetated; and,

(2) All erosion and sediment control measures shall be inspected after each rainfall, or alternatively every 14 days, to the satisfaction of the Manager, Development Division, Regional Environment Department and the

(3) Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular Phase of construction; and,

(4) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction; and,

(xvi) That the Owner prepare and implement a stormwater management plan for the subject property to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority. The approved plan shall address stormwater quality and quantity issues and will ensure that current Provincial drainage and stormwater quality guidelines are implemented; and,

(xvii) That the Owner agree in writing that Blocks 28, 30, 32, 33 and 34 are to be developed in conjunction with the abutting lands; and,

(xviii) That the Owner dedicate Blocks 35 and 36, being 0.30 m reserves, to the Region of Hamilton-Wentworth; and,

(xix) That the Owner enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of the subject lands; and,

(xx) That the Owner agree in writing to satisfy all requirements, financial and otherwise of the City of Hamilton; and,

(b) That the Subdivision Agreement be entered into by the Corporation

of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SA-98-04/25T-98010), "Cornerstone Estates", proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,

(c) That the City Clerk be directed to advise the Director, Development Division, Regional Environment Department of Council's decision; and,

B. That approval be given to Amended Zoning Application 98-34, Alfred Massi and Emidio Massi, owners for changes in zoning from the established "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District (Block "1"), from "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District (Block "2") and from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "3") for lands located south of Stone Church Road West and west of West Fifth Street in the Sheldon Neighbourhood, as shown on the attached map marked as Appendix "A", on the following basis:

(a) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District; and,

(b) That Block "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District; and,

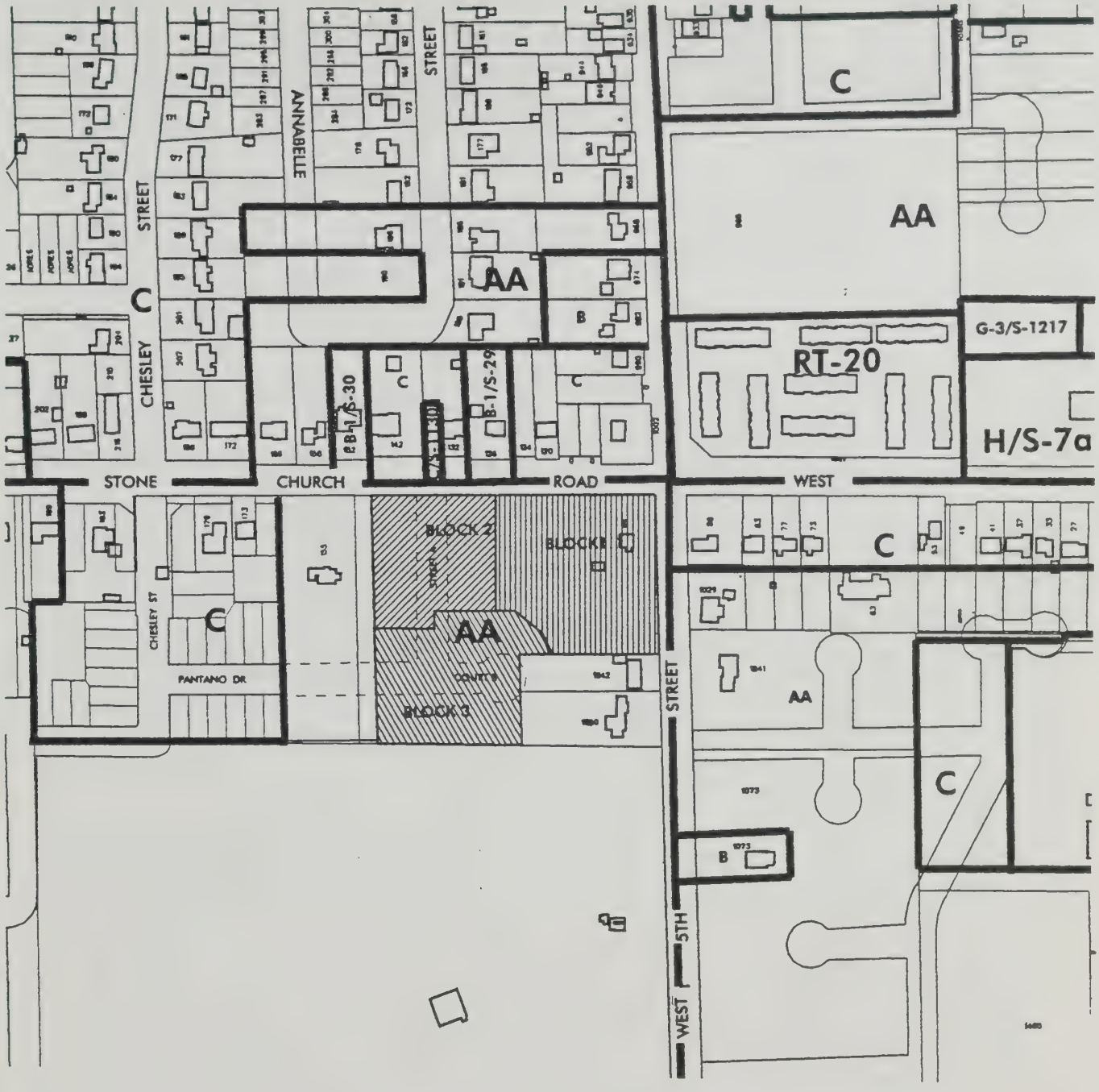
(c) That Block "3" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,

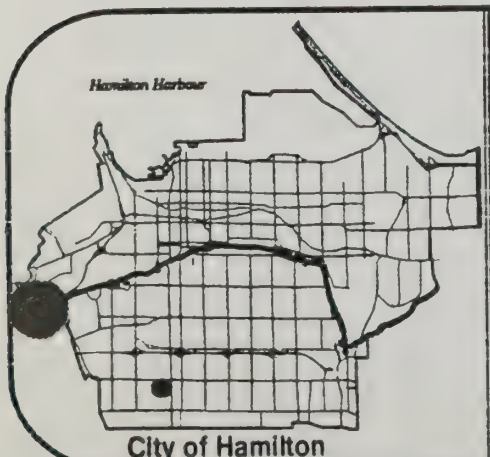
(d) That the Director of Planning and Development be authorized to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C for presentation to City Council; and,

(e) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area."



cc. Victor Abraham, Director of Planning and Development
Art Zuidema , Solicitor, Law Department





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

From "AA" (Agricultural) to "RT-20" (Townhouse Maisonette) District

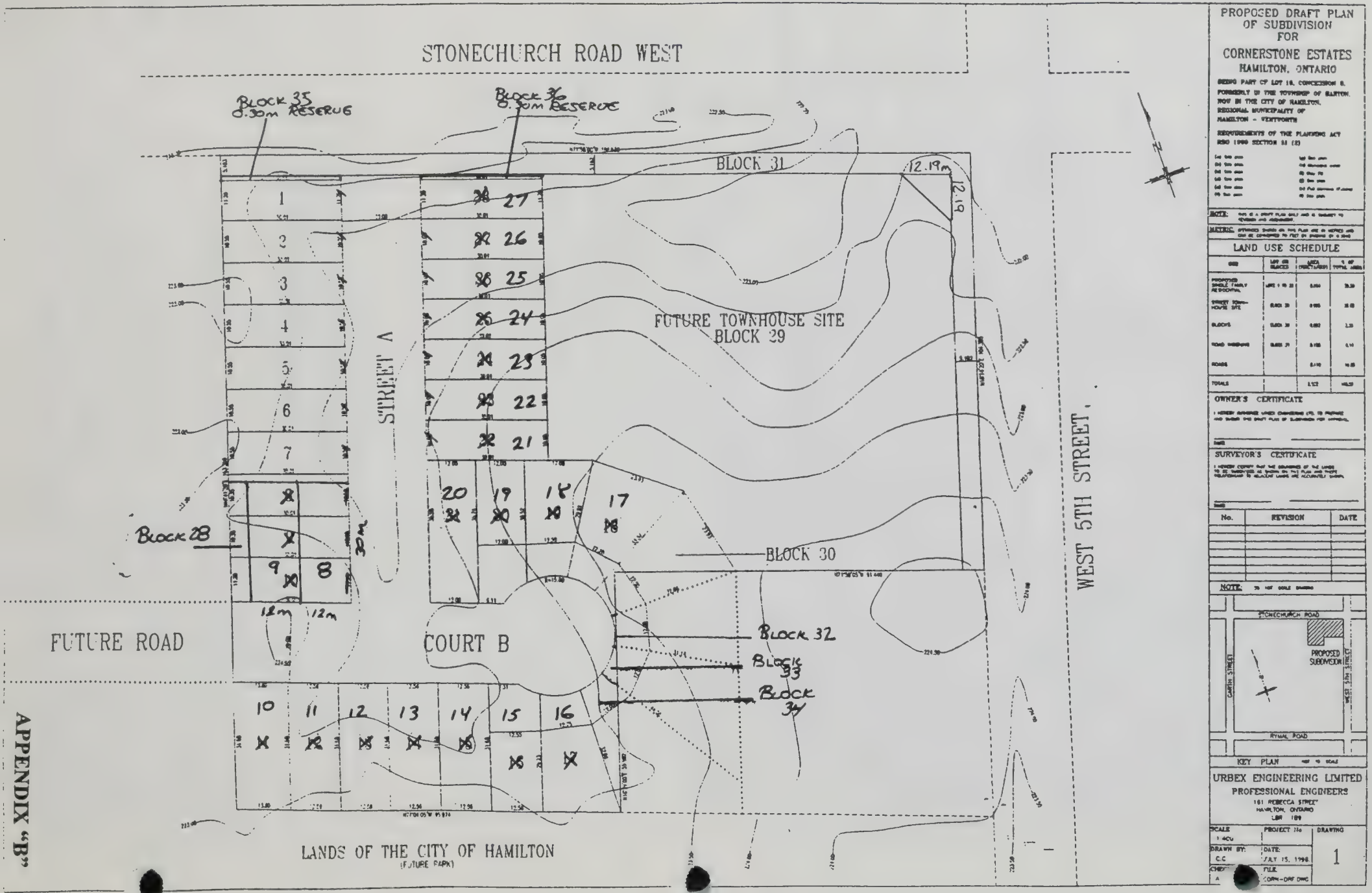
From "AA" (Agricultural) to "R-4" (Small Lot Single Family) District

From "AA" (Agricultural) to "C" (Urban Protected Residential, etc.) District

Reference file:	ZAC-98-34
Scale	Not to Scale
Date	October, 1998
Technician:	J.Sims

North

APPENDIX "A"



PROPOSED DRAFT PLAN OF SUBDIVISION FOR

CORNERSTONE ESTATES

HAMILTON, ONTARIO

BEING PART OF LOT 18, CONCESSION 6, FORMERLY IN THE TOWNSHIP OF BARTON, NOW IN THE CITY OF HAMILTON, REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH

REQUIREMENTS OF THE PLANNING ACT RSO 1990 SECTION 51 (E)

NOTE:

METRIC:

LAND USE SCHEDULE

USE	LOT OR BLOCKS	AREA (HECTARES)	% OF TOTAL AREA
PROPOSED SINGLE FAMILY RESIDENTIAL	LOTS 1 TO 21	0.654	28.59
STREET TOWN-HOUSE SITE	BLOCK 29	0.765	33.43
BLOCKS	BLOCK 30	0.682	1.33
ROAD WIDENING	BLOCK 31	0.155	6.77
ROADS		0.510	22.29
TOTALS		2.288	100.00

OWNER'S CERTIFICATE

I HEREBY AUTHORIZE URBEX ENGINEERING LTD. TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION FOR APPROVAL.

DATE

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY SHOWN.

DATE

No.	REVISION	DATE

NOTE:

KEY PLAN

URBEX ENGINEERING LIMITED
PROFESSIONAL ENGINEERS
161 REBECCA STREET
HAMILTON, ONTARIO
L8R 1B9

SCALE	PROJECT No.	DRAWING
1:400		1
DRAWN BY: C.C	DATE: JULY 15, 1996	
CHECKED: A	FILE: CORN-DRF.DWG	

3a)

September 29, 1998

To: The Planning Department

I am enquiring about the perspective zoning change to the property at the southeast corner of Stonechurch and West 5th. Living straight across from the perspective development, I am very concerned that the development includes town dwellings. We as a family investigated at the time that we built our home and were reassured by city hall that townhouses would not be developed on the land for sale directly across the street from our home. If this was the understanding before construction of our home we would never have built such a big house. I will also like to remind city hall that we pay over $5000 a year in property taxes. I would like it known my disapproval and hope the city keeps there word that the land in question is only zoned for family homes. Thank you.

Bill Tennant
124 Stonechurch Road West
Hamilton, Ontario
Canada L9B 1A3

Subdivision 98-04
Zoning 98-34
99 Stonechurch Rd.

Copy to V. Abraham

36)

October 26, 1998

To: Ms T. Agenello

OCT 28 1998

I would like to state for the record my disapproval with the proposed construction development at the Southwest corner of Stonechurch and West 5th for townhouses. We are very dejected with the thought of looking at townhouses directly across the street from our home. This will bring down the value of our home and will make it an arduous task to sell our home in the future. I would also like to mention the property tax we are now paying. We will not continue to pay well in excess of $5000.00 to stare at townhouses. Our MP has revealed that a vote was taken in 1992 to allow such construction. We have just recently built this home but neighbours who have lived here for many years prior to us building have not heard of any such vote or any discussion of development of townhouses in the future. I would like any information you can provide on the proposed construction and think information on this matter should be mailed to all my neighbours that will be effected by this construction. Thank you

Sincerely
Bill Tennant Jr

Bill Tennant
124 Stonechurch Road West
Hamilton, Ontario
Canada L9B 1A3

4a)

CITY OF HAMILTON

INFORMATION

DATE: 1998 November 23

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: L. C. King, P.Eng.
Building Commissioner

SUBJECT: Downtown Community Improvement Project
Pro-Active Inspections (98.2.4.2.1.A, 98.2.15)

BACKGROUND:

City Council at its meeting held Wednesday 1998 June 30, approved Section 12 of the Thirteenth Report of the Planning and Development Committee as follows:

> "12. "that the Building Department be authorized and directed to adopt a "proactive" approach on enforcement of the Property Standards Bylaw on commercial buildings in the Downtown Community Improvement Project Area, using procedures of the bylaw to effect improvements in property".

In preparation for the pro-active enforcement, our staff met with representatives from both the Downtown Hamilton BIA and the International Village BIA. The Housing and Loans Division of the Human Services Division are prepared to assist building owners through four different Loan Programs which were approved by City Council. These Loans will infuse $850,000 in renovations into the Downtown Community Improvement Area. They are the Commercial Property Improvement Loan Program, Hamilton Downtown Convert/Renovate to Residential Loan Program, Gore/Core Heritage 2000 Loan Program, and the Community Heritage Trust Fund.

The Building Department subsequently commenced inspections on 1998 September 15 using four re-assigned Field Services Inspectors, starting from the corner of King and James and branching out in all directions from there. We have also created an information package to assist in the delivery of the program and are also using a courtesy letter to show a more co-operative approach in implementing the strategy.

As of today's date, the Inspection Team has visited and conducted inspections at 217 commercial properties of which Property Standards action was initiated through the means of the Courtesy Letters on 122 properties.

.../2

The majority of violations found in the areas that have been inspected to date, involve painting, masonry repairs, window repairs, and deteriorated soffit, fascia, eavestrough and cornices. Most of the Courtesy Letters have been issued to retail properties, which represent 90% of the properties inspected. Of the properties inspected to date, 55% are rental properties. Many of these properties have or have had residential tenancies on the second floors and above, however, at this time they appear to be approximately 50% vacant.

The Housing and Loans Division indicates that since the project has started, they have received inquiries for information on the various loan programs from 60 people. Of those people who have shown interest, 38 loans have been applied for under the programs.

A review of the inspection program results shows that there is deterioration in many of the buildings inspected, however, much of it could be considered minor but necessary to preserve the buildings of the downtown core.

The BIA's within the project area have been provided with an Information Package and kept up to date with the progress of the inspections.

LCK/PCL/dc
Attach.

DOWNTOWN
HAMILTON
MAIN STREET WEST
JAMES STREET SOUTH
JOHN STREET SOUTH
HUNTER STREET WEST
BAY STREET SOUTH
YORK BOULEVARD
MAIN STREET EAST
KING STREET EAST
HUNTER STREET EAST
JAMES STREET NORTH
JOHN STREET NORTH
BAY STREET NORTH
CANNON STREET WEST
CANNON STREET EAST
WELLINGTON STREET NORTH
FERGUSON AVE
WALNUT
Prepared by
Planning and Development Department
City Hall 7th Floor 71 Main Street West
Hamilton, Ontario L8N 3T4 (905) 546-4124

5a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 November 19
CDM-CONV-98-012
Durand Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Victor J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

SUBJECT: Proposed Draft Plan of Condominium -
Condominium Conversion, 101 Queen Street South

RECOMMENDATIONS:

(a) That approval be granted to application CDM-CONV-98-012 (Regional File 25CDM-98017) submitted by Oak V Properties Incorporated, owner, for a draft plan of condominium for property located at No. 101 Queen Street South, as shown on the attached Plans marked as APPENDIX "A" and "B", to provide for a condominium comprised of 47 individual apartment condominium units, subject to the following conditions:

i) That this approval applies to the attached draft plans as revised in red dated September 3, 1998 and November 4, 1998 (APPENDIX "A" and "B") prepared by A.J. Clarke and Associates Ltd.;

ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the Corporate Counsel;

iii) That prior to approval of the final plan,

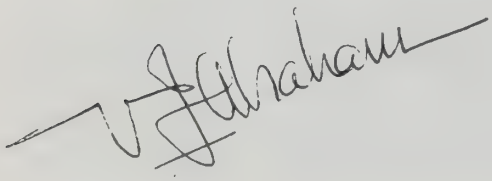
1) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and,

2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593.

In particular, and not limited to, a successful application to the Committee of Adjustment is required to address the non-conforming parking situation pertaining to a reduced width access door for the second level parking garage, reduced parking space widths in the second level parking garage, reduced parking space lengths in the basement level parking garage and reduced manoeuvring space, and,

3) the owner enter into an Encroachment Agreement with the Region of Hamilton-Wentworth for the card/key reader for the underground parking garage, the concrete retaining walls adjacent to the underground parking ramp and the concrete sidewalk on the north side of the property.

(b) That the Municipal Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

This application is processed under the authority of the Planning Act and the Condominium Act.

BACKGROUND:

Applicant:

Oak V Properties Incorporated, owner.

Surveyor:

M.J. Terry O.L.S., A.J. Clarke and Associates Ltd.

Location:

Known municipally as 101 Queen Street South the subject property is 0.1133 ha in size and contains an 8-storey apartment structure constructed in 1961 (see APPENDIX "C" and "D").

Proposal:

The owner is proposing to convert the existing 47 unit rental residential apartment building to condominium status (see APPENDIX "A" and "B"). All 47 units are one-bedroom units; two of the units were vacant. The average market rent for the occupied units was $533.61.

The applicant proposes "to significantly improve the appearance of each of the units. The work proposed to be completed includes the following items: updating the bathroom and kitchen; replacing the flooring; installing a washer and a dryer in each unit, if possible; increasing the locker capacity of each unit; converting the balconies into solariums. It is anticipated that such upgrades will cost approximately $10,000 per unit."

CURRENT POLICY AND DEVELOPMENT FRAMEWORK:

Hamilton-Wentworth Official Plan:

The lands are identified as "Urban" within the "Urban Policy Areas" of the Hamilton-Wentworth Official Plan (HWOP). The proposal does not conflict with the intent of the HWOP.

Hamilton Official Plan:

1. Land Use Designation

The subject lands are designated "Residential", according to Schedule "A" - Land Use Concept. The proposal does not conflict with the intent of the Official Plan.

2. Condominium Conversion Policies - Official Plan Amendment No. 151

At the time this application was formally accepted as complete by the Region of Hamilton-Wentworth on September 3, 1998, the City's Official Plan Amendment (OPA) addressing the issue of condominium conversions and demolitions of rental housing was under appeal to the Ontario Municipal Board. However, the appeals for OPA No. 151 were formally withdrawn from the Ontario Municipal Board on October 9, 1998. Although the City's Official Plan at the time of the writing of this report does contain condominium conversion policies legally in effect, at the time the application was deemed complete, the OPA 151 policies had a Council-adopted policy status as they were adopted by By-Law #98-197 on July 7, 1998. It is from this context that the proposed conversion to condominium at 101 Queen Street South will be evaluated.

Neighbourhood Plan:

The subject lands are designated as "High Density Apartment" in the Durand Neighbourhood Plan. The proposal complies with the intent of the Neighbourhood Plan.

Zoning:

The subject lands are zoned "E-3" (High Density Multiple Dwellings). The Building Department has commented as follows:

"COMMENTS:

1. A building permit was issued in 1967 to construct a forty-seven (47) unit multiple dwelling, with thirty-seven indoor parking spaces.

2. The minimum required parking space size when the building permit was issued was 8' X 20' with the same manoeuvring space. The sketch showing the layout of parking spaces does not conform with respect to the minimum required thirty-seven (37) parking spaces.

3. No dimensions from the eight (8) storey brick apartment building to the lot lines, however, this Department has previously approved the location of the multiple dwelling. It is assumed that the 2-storey concrete block building (parking garage), concrete block building (storage, lockers, laundry) and parking garage are all located below grade."

Additional comments were provided as follows:

"1. Comments #1 and #3 in our letter dated October 20, 1998 remain the same.

2. Parking spaces 3-7 on the second level do not conform with respect to the minimum required 2.7m x 6.0m in size. Please note that if these spaces had existed at the time of issuance of the building permit, the size of the spaces would conform, as the minimum size at that time was 8' x 20' (2.44m x 6.0m).

3. The minimum access drive (door size) required to the proposed parking area in the second level is 5.5m. The door size is not indicated, however, appears not to conform.

4. Parking spaces 29 & 30 are not dimensioned, however require a minimum 6.0m manoeuvring behind. The minimum width appears to conform."

Council Policy in Regard to Condominium Conversion Matters:

As noted previously, as OPA No. 151 was adopted by City Council on July 7, 1998 by By-law #98-197, the policies within the OPA formally represent Council's position on condominium conversion matters. The key facet of this Official Plan Amendment states:

> *"To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment and/or townhouse units comprised of six or more units will be permitted provided all of the following criteria are met:*
>
> *(i) the rental vacancy rate by dwelling/structure type for the City and the respective local housing market zone has been at or above 2.0% for the preceding twenty-four (24) months;*
>
> *(ii) the proposed conversion will not reduce the rental vacancy rate by dwelling/ structure type to below 2.0% for the City and the respective local housing market zone; and,*

(iii) the existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling/structure type."

The subject property is located within the "Downtown/Central Hamilton" local housing market zone of OPA No. 151. This City-defined market zone is the combined equivalent with the sub-market area "Zone 1 - Downtown Core" and "Zone 4 - Central" utilized by Canada Mortgage and Housing Corporation (CMHC) for their annual Rental Market Survey, which is conducted every October. The relevant rental apartment market statistics for Council's conversion policy contained in OPA No. 151 are as follows:

OPA No. 151
Condominium Conversion Policy
Statistical Market Analysis

Rental Apartment Vacancy Rate - Criteria (i):

	City of Hamilton	Downtown/ Central Hamilton
October, 1996	2.45%	2.09%
October, 1997	3.51%	4.25%

Impact on Apartment Vacancy Rate - Criteria (ii):

	City of Hamilton	Downtown/ Central Hamilton
Pre-Conversion	3.51%	4.25%
Post-Conversion	3.51%	4.25%

Average Market Rents - Criteria (iii):

	Unit Count	101 Queen South (Sep/98)	City of Hamilton (Oct/97)	Downtown/ Central Hamilton (Oct/97)
One-Bedroom	47	$534	$498	$496

Data Sources: Canada Mortgage and Housing Corporation (CMHC) and Oak V. Properties Inc.

Criteria (i) of Council's OPA No. 151 policy requires that the rental vacancy rate for the City and the respective local housing market zone must have been at or above 2.0% for the preceding twenty-four (24) months. The proposed condominium conversion at 101 Queen Street South satisfies this test as the rental apartment vacancy rate within the Downtown/Central Hamilton local housing market zone as at October, 1997 was recorded at 4.25% and 2.09% as at October, 1996.

Criteria (ii) of Council's OPA No. 151 policy requires that the proposed conversion will not reduce the rental vacancy rate to below 2.0% for the City and the respective local housing market zone. The proposed conversion does not reduce the City or local housing market zone rental apartment vacancy rate to below 2.0%. Accordingly, this test is satisfied.

Criteria (iii) of Council's OPA No. 151 policy requires that the existing market rent levels for the units proposed to be converted are not to be significantly below the average market rent levels for the City and the respective local housing market zone.

All of the 47 units within the apartment building at 101 Queen Street South are one-bedroom units. The average market rent for the occupied one-bedroom units is above both the City of Hamilton average and Downtown/Central Hamilton local housing market zone average. As a result, criteria (iii) has been satisfied as the average market rents at 101 Queen Street South are "not significantly below" the average market rent levels for the City and the respective local housing market zone.

Accordingly, the proposed conversion of the rental apartment building at 101 Queen Street South to condominium status does not conflict with Council's OPA No. 151 policy adopted by By-law #98-197 on July 7, 1998 as all three criteria have been satisfied.

CONSIDERATION OF PROPOSED DRAFT PLAN OF CONDOMINIUM:

Background:

The Condominium Act under Section 50 provides direction that the provisions of the Planning Act pertaining to Plans of Subdivision will apply for the approval of a condominium description.

The Planning Act under Section 51(24) provides a number of criteria (12 in total) in considering a draft plan of subdivision/condominium. Staff has reviewed all of the criteria and two specific criteria have been identified that are particularly relevant in regard to the proposed Plan of Condominium at 101 Queen Street South. The preamble to this section of the Planning Act and the two criteria that are particularly relevant are as follows:

> *"In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the municipality and to,*
>
> *(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*
>
> *(b) whether the proposed subdivision is premature or in the public interest;"*

Clause (a) of S.51(24) provides direction to have regard to the matters of provincial interest outlined in section 2 of the Planning Act. Section 2 outlines 16 specific matters of provincial interest and all were reviewed by staff to identify any possible concerns within the context of the proposed Plan of Condominium. One provincial interest was identified as being relevant in the context of the proposed Plan of Condominium and is as follows:

"The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

(j) the adequate provision of a full range of housing;"

Analysis:

The use of the word "*adequate*" in the sentence "the adequate provision of a full range of housing" in section 2(j) of the Planning Act is interpreted as meaning that housing opportunities are available for all households in a community. Moreover, the term "*adequate*" also has the connotation that housing opportunities are not unduly constrained or provided only on a minimal or token basis.

The phrase "*full range of housing*" is taken to mean:

1) a range of housing in various structure/dwelling types are available such as single-detached, semi-detached, row/townhouses, and apartments in the form of high-rise buildings, low-rise buildings and accessory apartments in grade-related dwellings;

2) a range of housing in various forms of tenure are available including rental, owner or co-operative; and,

3) a range of housing in various levels of cost are available in both rental and ownership forms of tenure.

The table below is based from statistics provided by CMHC and shows the total number of rental housing dwelling starts in the City of Hamilton from 1990 to the first 6 months of 1998.

Rental Dwelling Starts
City of Hamilton

	Private		Assisted		Sub-	All	%
	Row	Apartment	Row	Apartment	Total	Starts	Rental
1998-Q2	8	0	0	0	8	167	4.8%
1997	28	0	0	0	28	722	3.9%
1996	0	0	6	0	6	436	1.4%
1995	0	0	34	177	211	548	38.5%
1994	0	0	13	240	253	741	34.1%
1993	0	0	231	4	235	662	35.5%
1992	0	0	238	181	419	824	50.8%
1991	0	0	443	165	608	971	62.6%
1990	130	7	0	155	292	1502	19.4%

Data Source: Canada Mortgage and Housing Corporation (CMHC).

The CMHC statistics above show that since the termination of the Provincial non-profit and co-operative housing programs in 1995, there have been no new rental apartment starts in the City of Hamilton. Specifically in Hamilton's Downtown area, the last new rental apartment building constructed was started in January, 1995 at 195 Ferguson Avenue East (60 units - Wesley Community Homes). CMHC has also indicated that as of March 31, 1998 there were no "pending starts" of apartment rental housing of either a private or assisted category in the City of Hamilton.

The subject property is situated within the Downtown Core rental sub-market area. However, Queen Street is also a boundary between two CMHC rental sub-market areas. The Downtown Core sub-market area is bounded by Queen Street, Cannon Street, Wentworth Street and the Escarpment. The Central sub-market area extends from Hwy. #403 in the west to Sherman Avenue in the east and surrounds the Downtown Core sub-market area. The table on the following page shows the historical rental apartment vacancy rates for both sub-market areas and the City of Hamilton.

Rental Apartment Vacancy Rate
Apartments with 6+ Units, Privately-Initiated

	Downtown Core Sub-Market	Central Sub-Market	City of Hamilton
Oct/97	3.83%	6.07%	3.51%
Oct/96	1.37%	5.19%	2.45%
Oct/95	1.85%	5.65%	2.24%
Apr/95	1.79%	7.83%	2.38%
Oct/94	2.94%	4.35%	2.35%
Apr/94	3.24%	4.27%	2.49%
Oct/93	3.91%	5.84%	2.68%
Apr/93	3.84%	8.97%	2.88%
Oct/92	3.09%	5.15%	2.31%
Apr/92	3.40%	3.14%	2.29%
Oct/91	2.41%	3.55%	1.59%
Apr/91	1.96%	2.86%	1.36%
Oct/90	1.43%	6.43%	1.34%
Apr/90	0.84%	3.37%	0.77%

Data Source: Canada Mortgage and Housing Corporation.

According to CMHC, a rental apartment vacancy rate in the range of 2.0% to 3.0% is generally indicative of a rental housing marketplace that is in a competitive, balanced situation. In this balanced environment, the upward pressure on rents is tempered by the availability of vacant units and there is an adequate degree of choice and selection for prospective tenants. There is essentially a "level playing field" between the needs and interests of both tenants and landlords.

The rental apartment vacancy rate is also a broad indicator of the demand for rental housing units within a particular area. Other than for a period in 1995-1996 and prior to October, 1991, the rental apartment vacancy rate for the Downtown Core sub-market area has been within the market competitive 2-3% range.

For the Central sub-market area, in which 101 Queen Street South is on the border, the rental apartment vacancy rate has been well above the 2-3% desired vacancy rate level since 1992. This is a firm indication that the demand for rental apartments in this part of Hamilton has for the most part been fairly soft.

The average market rent for one-bedroom units within the Central sub-market area was recorded at $479 as of October, 1997. The average market rent for one-bedroom units within the Downtown Core sub-market area was recorded at $499 as of October, 1997. As was noted previously, the average market rent for the units within 101 Queen Street South were recorded as $534. As such, these units are typically priced higher than the average rental accommodation in the Downtown Core and Central sub-market area.

The rental apartment housing marketplace for the Downtown Core and Central rental sub-market area are in a competitive and balanced situation. In addition, the units within 101 Queen Street South are above the average cost compared to other units in the sub-market areas. Accordingly, the approval of rental apartment units at 101 Queen Street South for conversion to condominium would not adversely affect the "adequate provision of a full range of housing" which is a matter of Provincial interest as outlined in the Planning Act.

COMMENTS FROM CIRCULATION:

The Regional Environment Department, Development Engineering Section advised the following:

"**Information:**

1) For the information of the applicant/owner, should a future severance application be submitted, a condition of approval would include that separate services be provided for each building.

2) The designated road allowance width of Queen Street is 26.21m. In accordance with this designation, the applicant/owner should be advised of a future 3.1m road widening as shown on Survey Plan P754A.

3) According to our information, there are a number of encroachments within the Queen Street South road allowance as follows:

   i) A card/key reader for the underground parking garage. (The existing location of the card/key reader appears to be too far away from the garage door and cars must block the curb lane when entering the parking ramp. The card/key reader must be relocated to a position satisfactory to the Traffic Division.)

   ii) Concrete retaining walls adjacent to the ramp to the underground parking garage and the ramp to the parking and amenity area at the south side of the property.

   iii) A concrete sidewalk on the north side of the property is not flush with the adjacent ground or the municipal sidewalk on Queen Street South.

iv) A wrought iron fence adjacent to the north sidewalk and the municipal sidewalk.

v) An advertising sign indicating the building name, vacancy posting, street address, etc. It appears that the location of the sign may be a visibility obstruction for motorists entering Queen Street South from the underground parking garage. Our staff will be reviewing the location and the sight lines available for motorists exiting the site and if necessary we will require that the sign be relocated accordingly.

4) The sign is subject to item v) above and both the sign and fence encroachments within the Queen Street South road allowance are not permitted under any of the provisions of the Region of Hamilton-Wentworth Roads Use By-law and remain at the sole risk of the applicant/owner.

5) The applicant should contact Mr. Vince Zingaro at 905-546-2808 for procedures for applicants to follow for entering into Encroachment Agreements with the Region.

Recommendations:

1) That the applicant/owner enter into an Encroachment Agreement with the Region for the card/key reader for the underground parking garage, the concrete retaining walls adjacent to the underground parking ramp and the concrete sidewalk on the north side of the property.

The submitted plan, as prepared by M.J. Terry O.L.S. and dated September 3, 1998, is satisfactory to the Regional Environment Department, subject to the above mentioned comments and recommendations."

The Traffic Division, Department of Public Works and Traffic advised the following:

"The existing 47 unit multiple dwelling would require a total of 38 parking spaces under current zoning by-law requirements. Our review of the submitted plan indicates that 30 parking spaces can be provided, 28 spaces that meet the current standards with respect to size and manoeuvring area and 2 spaces that are substandard in length.

Since the site limitations eliminate the possibility of providing additional parking that would meet current standards with respect to size and access and the 47 residential units have existed for a number of years with a limited amount of parking, we would have no objection to a reduction in the required parking."

Additional comments were provided and are as follows:

"We have reviewed the revised second level parking garage layout and have the following comments:

Parking spaces 3 to 7 do not meet the by-law requirement related to width of a space, 2.7m.

If this were a proposed layout in the small garage, we would not support the orientation of spaces 1 & 2. Vehicles backing out of space #1 will be backing blind into vehicles entering the parking area. We would recommend that spaces 1 & 2 be oriented in the same direction as spaces 3 to 7 so as to prevent this manoeuvre.

In addition, the zoning by-law requires the access to a parking area containing more than 5 vehicles must be 5.5m wide. The proposed plan shows the access door having a width of only 3.25m and the previous plan indicates the access to the street is provided via a right-of-way which is a single lane of approximately 2.4m wide.

In summary, the comments are essentially the same, that only 28 spaces meet the requirement as far as size and manoeuvring area can be provided and given the site limitations we would not object to a variance to reduce the required parking. If the proposed parking were to be developed, we would not object to a reduced width for spaces 3 to 7 in the second level parking garage. However, we would recommend that spaces 1 and 2 be modified to be oriented in the same direction as spaces 3 to 7. In addition, we suggest the applicant consider widening the entrance to this parking area."

The Building Department advised the following:

"COMMENTS:

1. A building permit was issued in 1967 to construct a forty-seven (47) unit multiple-dwelling, with thirty-seven (37) indoor parking spaces.

2. The minimum required parking space size when the building permit was issued was 8' x 20' with the same size manoeuvring space. The sketch showing the layout of parking spaces does not conform with respect to the minimum required (37) parking spaces.

3. No dimensions from the eight (8) storey brick apartment building to the lot lines, however, this Department has previously approved the location of the multiple dwelling. It is assumed that the 2-storey concrete block building (parking garage), concrete block building (storage, lockers, laundry) and (parking garage) are all located below grade."

Additional comments were provided as follows:

"1. Comments #1 and #3 in our letter dated October 20, 1998 remain the same.

2. Parking spaces 3-7 on the second level do not conform with respect to the minimum required 2.7m x 6.0m in size. Please note that if these spaces had existed at the time of issuance of the building permit, the size of the spaces would conform, as the minimum size at that time was 8' x 20' (2.44m x 6.0m).

3. The minimum access drive (door size) required to the proposed parking area in the second level is 5.5m. The door size is not indicated, however, appears not to conform.

4. Parking spaces 29 & 30 are not dimensioned, however require a minimum 6.0m manoeuvring behind. The minimum width appears to conform."

TENANT OPINIONS/CONCERNS:

A pre-stamped short survey questionnaire was mailed to all tenants. As of November 18, 1998, of the total 45 surveys that were mailed (2 units were vacant and unoccupied), 13 surveys were returned with the following results:

1. Are you...	in favour of the proposal? -	3
	opposed to the proposal? -	6
	undecided? -	4
2. Do you...	intend to purchase a unit? -	1
	prefer to remain as a tenant? -	7
	undecided? -	5

Two phone calls were received by staff of the Planning and Development Department. In both instances, the tenants had general questions about the process of converting a rental apartment building to condominium status.

COMMENTS:

1. As the 47-unit apartment building at 101 Queen Street South is located on the boundary of two rental sub-market areas, consideration is given to the data for both sub-market areas (Downtown Core and Central). A rental apartment vacancy rate in the range of 2.0% to 3.0% is indicative of a healthy, competitive and balanced rental housing marketplace.

   The rental apartment vacancy rate for the Downtown Core sub-market area was recorded by Canada Mortgage and Housing Corporation at 3.83% in October, 1997. The rental apartment vacancy rate for the Central sub-market area was recorded by Canada Mortgage and Housing Corporation at 6.07% in October, 1997.

   Accordingly, as the rental housing marketplace in the Downtown Core and Central sub-market areas are in a balanced, competitive situation, approval of the proposed Plan of Condominium for 101 Queen Street South would not adversely affect the adequate provision of a full range of housing.

2. As the 47-unit apartment building at 101 Queen Street South is located on the boundary of two rental sub-market areas, consideration is given to average monthly rent charges for both sub-market areas (Downtown Core and Central).

   The average monthly rental rent charge for the one-bedroom units within the building at 101 Queen Street South ($534) are above the average monthly rent charge for one-bedroom units within the Downtown Core sub-market area ($499), the Central sub–market area ($479) and the City of Hamilton ($498).

Therefore, the removal of these units that are priced higher than other one-bedroom units in the same geographic area of 101 Queen Street South and the City of Hamilton would not adversely affect the adequate provision of a full range of housing.

3. The proposed conversion does not conflict with the criteria established by Official Plan Amendment No. 151 adopted by By-law #98-197 on July 7, 1998. The rental apartment vacancy rate has been above 2.0% within the Downtown/Central Hamilton local housing market zone for both October, 1996 and October, 1997. Further, removal of the rental units would not reduce the rental apartment vacancy rate in the Downtown/Central Hamilton local housing market zone and the City of Hamilton to below the 2.0% level. And finally, the one-bedroom rents within the building are above the average market rent levels for the local housing market zone and the City of Hamilton.

4. The proposal does not conflict with the intent of the Official Plan at the time the application was deemed complete (September 3, 1998).

5. Hamilton Official Plan Amendment No. 151 is at the present time legally in effect. However, at the time this application for conversion to condominium was deemed complete by the Region of Hamilton-Wentworth and forwarded to the City of Hamilton for comment, OPA No. 151 was under appeal to the Ontario Municipal Board.

   For the information of the Committee, in this specific example of 101 Queen Street South, the proposed conversion would have satisfied the requirements of the Condominium Conversion policies if they were legally in effect within the Hamilton Official Plan at the time this application was received.

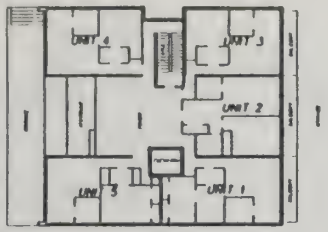
CONCLUSION:

On the basis of the forgoing, the proposed plan of condominium can be supported.

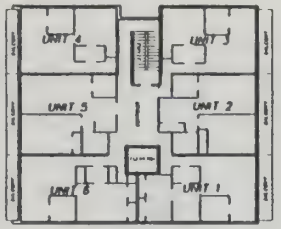
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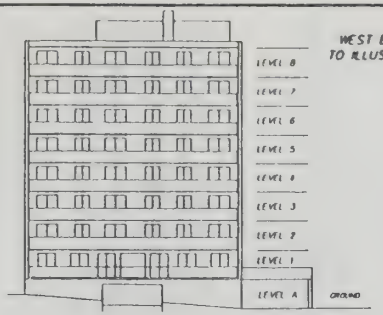
UNIT LAYOUT ON LEVEL 1



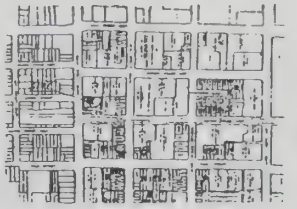
UNIT LAYOUT ON LEVELS 2,3,4,5,6,7 AND 8



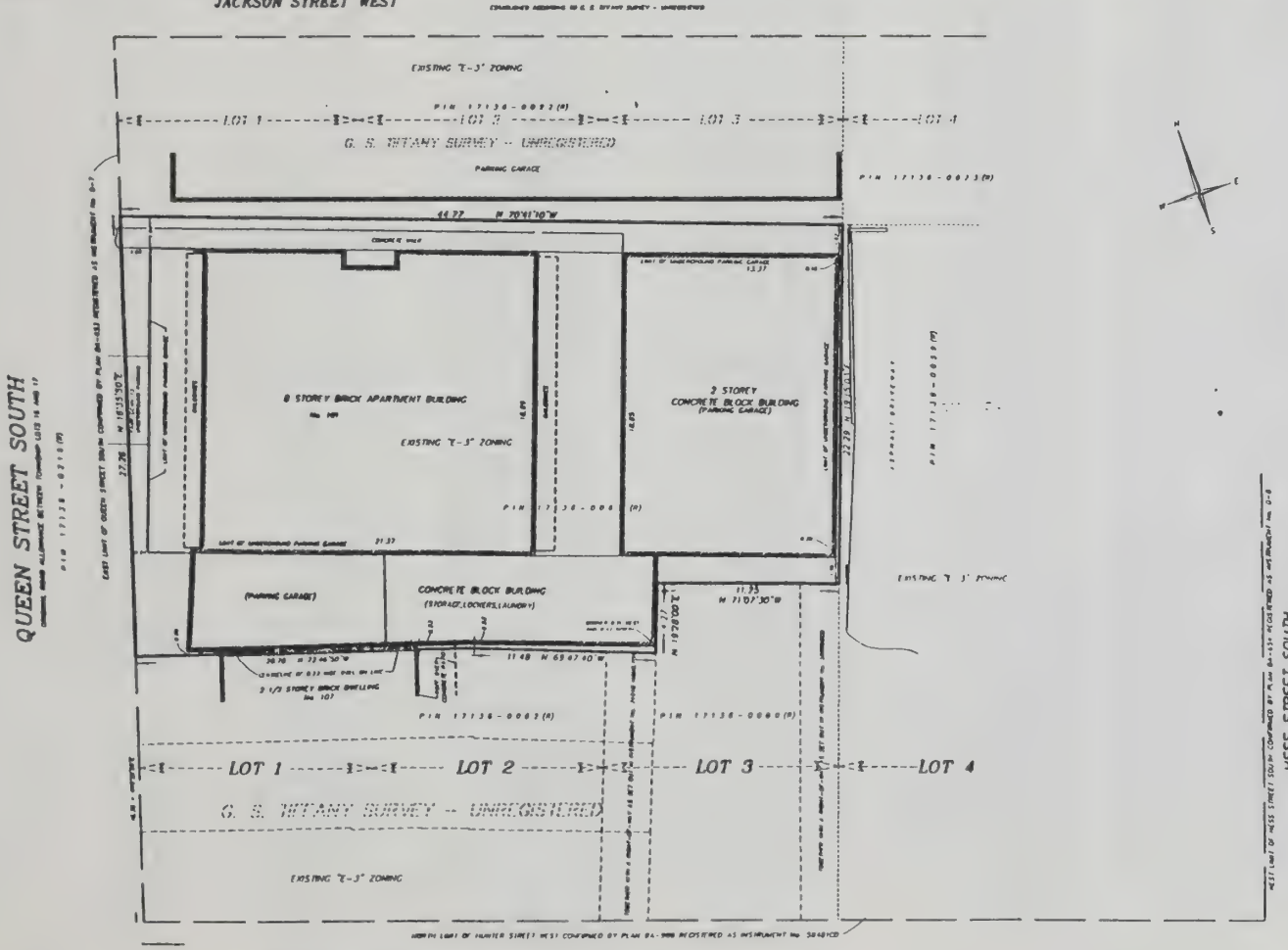
WEST ELEVATION TO ILLUSTRATE LEVELS



KEY PLAN



JACKSON STREET WEST



DRAFT PLAN OF

QUEENSVILLA

BEING A PROPOSED CONDOMINIUM OF

PART OF LOTS 1, 2 & 3

(FRONTING ON THE NORTH SIDE OF HUNTER STREET WEST)

IN THE BLOCK BOUNDED BY HUNTER, QUEEN, JACKSON & HESS STREETS

G. S. TIFFANY SURVEY-UNREGISTERED

IN THE

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1:150

0 5 10 metres

M. J. TERRY O.L.S.

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

RE: CHAPTER P. 13 R.S.O. 1990 SECTION 51(2) THE PLANNING ACT

A SHOWN ON PLAN	G SHOWN ON PLAN
B SHOWN ON PLAN	H MUNICIPAL PIPED WATER AVAILABLE
C SHOWN ON PLAN	I CLAY LOAM
D SEE LAND USE SCHEDULE	J SHOWN ON PLAN
E SHOWN ON PLAN	K MUNICIPAL SERVICES TO BE INSTALLED BY SUBDIVIDER
F SHOWN ON PLAN	L SHOWN ON PLAN

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN

SEPTEMBER 3, 1998 — DATE

M. J. TERRY — ONTARIO LAND SURVEYOR

LAND USE SCHEDULE:

1	
2	
3	
4	
5	
6	

SUBDIVISION DRAFT APPROVAL:

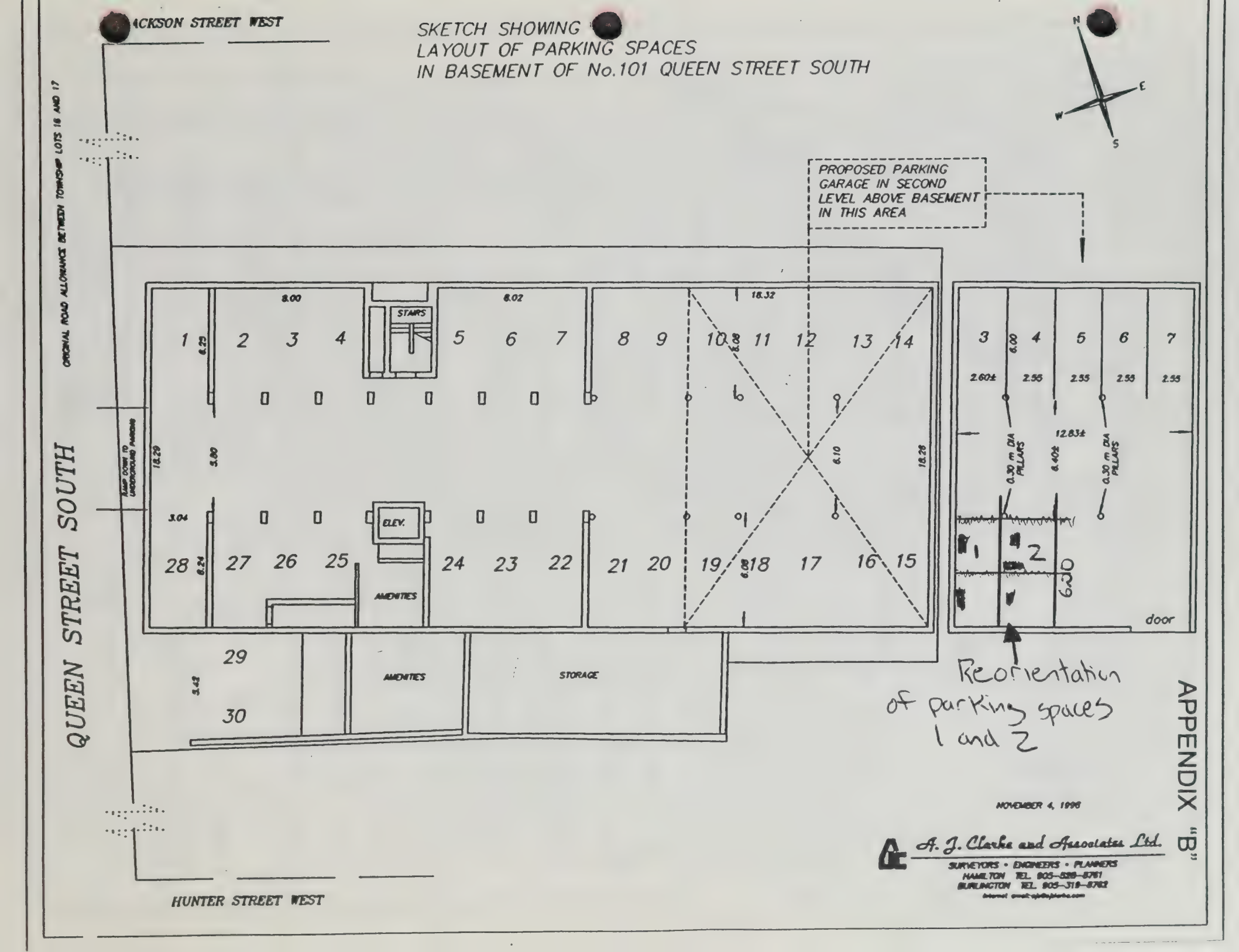
SUBJECT TO THE CONDITIONS, IF ANY, SET FORTH IN OUR LETTER DATED THIS PLAN IS APPROVED UNDER SECTION 51 OF THE PLANNING ACT AND SECTION 9 OF THE CONDOMINIUM ACT THIS DAY OF , 1998

COMMISSIONER OF ENVIRONMENT
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
AUTHORIZED BY BY-LAW No. 85-041

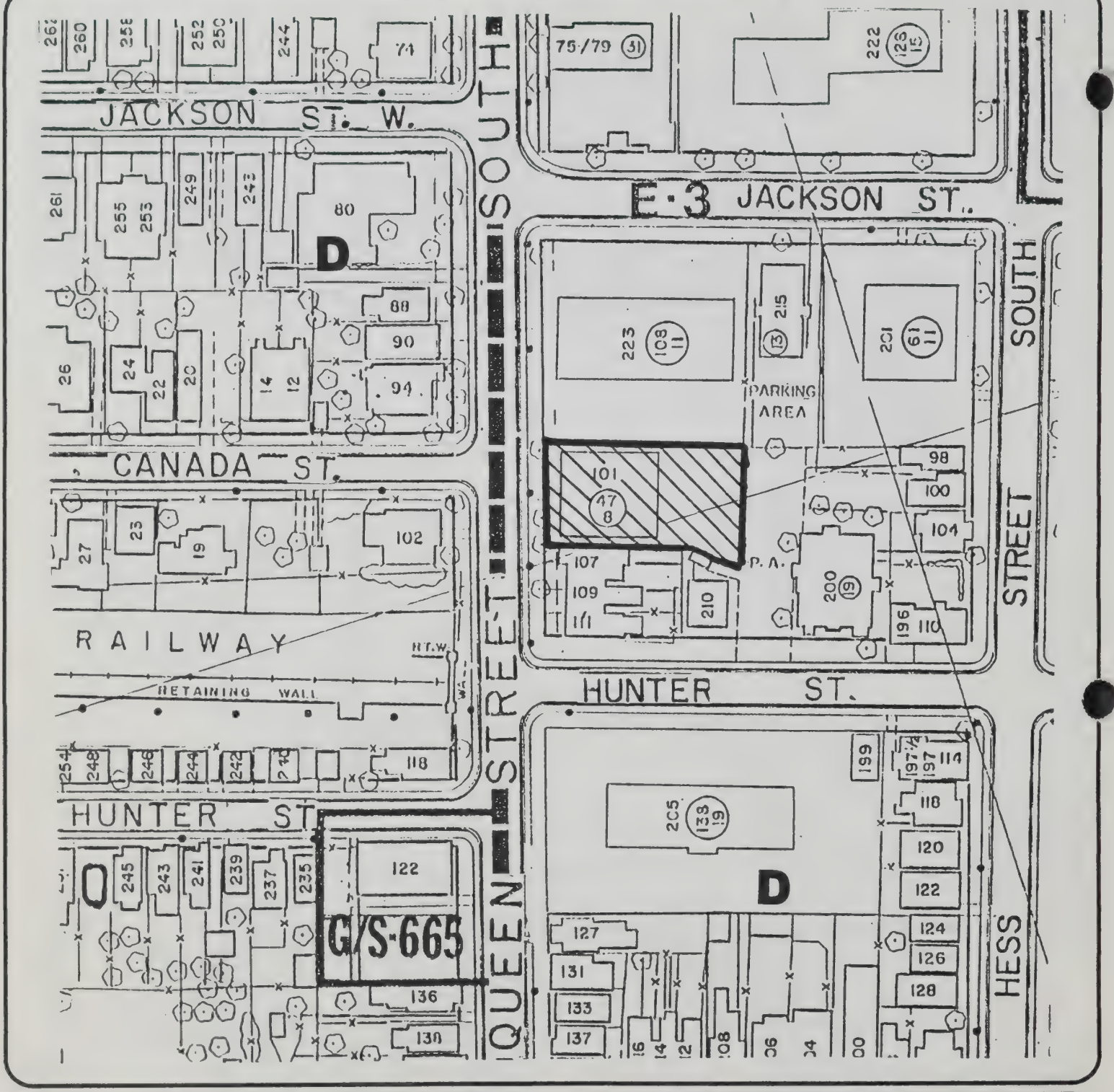
A. J. Clarke and Associates Ltd.
ONTARIO LAND SURVEYORS . CONSULTING ENGINEERS
PROFESSIONAL PLANNERS
HAMILTON - TEL. (905) 528-8761
BURLINGTON - TEL. (9050 319-8762
TEL. 905-528-8761 FAX 905-528-2769

APPENDIX "A"

25CDM-98017


ACKSON STREET WEST
SKETCH SHOWING
LAYOUT OF PARKING SPACES
IN BASEMENT OF No.101 QUEEN STREET SOUTH
N
E
W
S
ORIGINAL ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 16 AND 17
QUEEN STREET SOUTH
PROPOSED PARKING GARAGE IN SECOND LEVEL ABOVE BASEMENT IN THIS AREA
RAMP DOWN TO UNDERGROUND PARKING
STAIRS
ELEV.
AMENITIES
AMENITIES
STORAGE
0.30 m DIA PILLARS
0.30 m DIA PILLARS
door
Reorientation of parking spaces 1 and 2
APPENDIX "B"
NOVEMBER 4, 1998
A. J. Clarke and Associates Ltd.
SURVEYORS • ENGINEERS • PLANNERS
HAMILTON TEL. 905-528-8761
BURLINGTON TEL. 905-319-8762
HUNTER STREET WEST

APPENDIX "C"



Legend

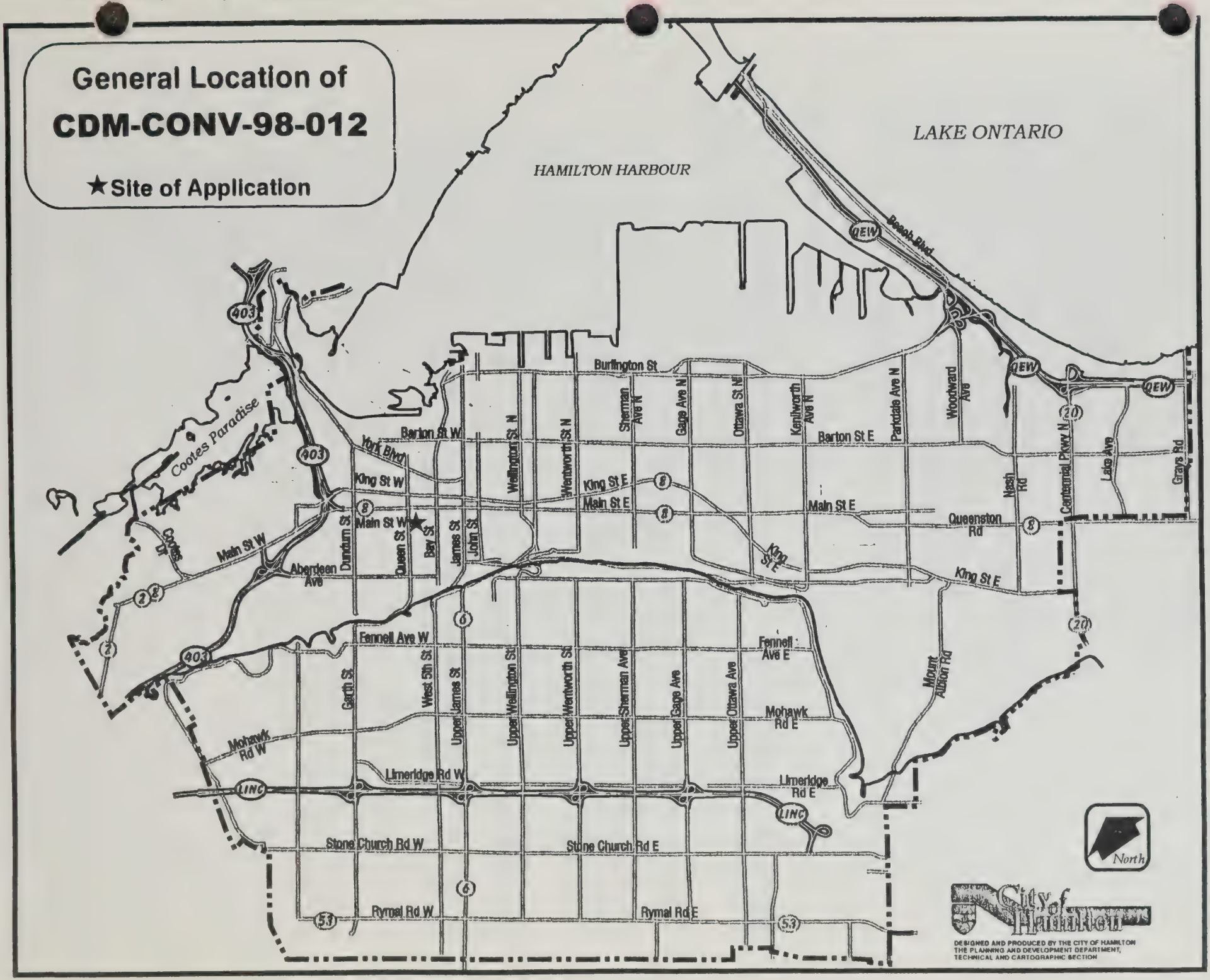
Site of the Application

City of Hamilton

Location Map

Planning and Development Department

North	Scale	Reference File No.
	NOT TO SCALE	CDM-CONV-98-012
	Date	Drawn By
	October, 1998	K.E.


General Location of
CDM-CONV-98-012
★Site of Application
LAKE ONTARIO
HAMILTON HARBOUR
Cootes Paradise
QEW
Beach Blvd
403
Burlington St
Barton St W
Barton St E
York Blvd
King St W
King St E
Main St W
Main St E
Queenston Rd
Aberdeen Ave
Dundurn St
Queen St
Bay St
James St
John St
Wellington St N
Wentworth St N
Sherman Ave N
Gage Ave N
Ottawa St N
Kenilworth Ave N
Parkdale Ave N
Woodward Ave
Centennial Pkwy N
Lake Ave
Nash Rd
Grays Rd
Fennell Ave W
Fennell Ave E
Garth St
West 5th St
Upper James St
Upper Wellington St
Upper Wentworth St
Upper Sherman Ave
Upper Gage Ave
Upper Ottawa Ave
Mount Albion Rd
Mohawk Rd W
Mohawk Rd E
Limeridge Rd W
Limeridge Rd E
LINC
Stone Church Rd W
Stone Church Rd E
Rymal Rd W
Rymal Rd E
North
City of Hamilton
DESIGNED AND PRODUCED BY THE CITY OF HAMILTON
THE PLANNING AND DEVELOPMENT DEPARTMENT,
TECHNICAL AND CARTOGRAPHIC SECTION

APPENDIX "D"

CITY OF HAMILTON

5b)

- RECOMMENDATION -

DATE: November 19, 1998
(TC-PSS)
Mountview Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Victor J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

SUBJECT: Request for Parkland Credit – Starward Homes

RECOMMENDATION:

That the request for a parkland credit in the amount of $11,100 from Starward Homes, Ward Campbell, owner, for the construction of a stormwater pond in Mountview Neighbourhood, be denied, for the following reasons:

a) The stormwater pond is a utility function that, in essence, replaces a stormwater sewer. The City has never given a parkland credit for the provision of a storm sewer.
b) It has been the City's consistent practice to use the parkland dedication for the development of active parks within residential neighbourhoods. This request is for a parkland credit for a passive recreation area which is contrary to the City's current practice.
c) The pond design includes a pathway for pedestrian use and maintenance access. The pathway is the only area of the pond that is available for use by the residents of the neighbourhood.
d) The design of this pond was done as part of the Neighbourhood Plan for the area. The design was proposed by the developer's representatives to mitigate the concerns of Mountview residents.
e) The reserve for parkland dedication is currently in a deficit position; providing a credit for an engineering related use is not an appropriate use of the Reserve for Parkland.
f) The results of the survey of other municipalities indicates that provision of parkland credits for stormwater ponds is the exception and not the rule. No municipality has given a credit for a stormwater pond as a passive recreational area.
g) Granting of a credit would set an undesirable precedent for future stormwater pond development in other subdivisions.

V.J. Abraham

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Please refer to the Comments Section.

BACKGROUND:

In November 1997, members of the Parks Staff Committee met with representatives from the Hamilton Halton Homebuilders Association regarding stormwater ponds and parks. The general issue was the provision of credits to developers for providing stormwater ponds as passive recreation areas. The Homebuilders also wanted the City to review a specific request for the Tiffany subdivision in Mountview Neighbourhood; namely, the provision of a credit from the Reserve for Parkland for twenty-percent of the area of the stormwater pond. The developer of this subdivision is Starward Homes; a copy of the letter is attached to this report.

The request for the parkland credit is based on the developer's view that the stormwater pond functions as a passive recreation area in the neighbourhood. The stormwater pond in question is approximately 1.6 hectares in area; it consists of a large sloped area with a variety of plants; an intake for the stormwater; a weir; a channel to move the water; a maintenance access; and a pathway. There is a significant amount of plants within the pond; these plants contribute to the functioning of the pond as they work, in part, to remove pollutants from the stormwater.

The following description is an excerpt from the brochure proved by Starward Homes to residents of Mountview Neighbourhood:

> "The purpose is to improve the quality of urban stormwater which flows off city streets and driveways into the storm catch basins, as it carries with it various sediments and contaminants. These contaminants would eventually end up in our rivers and lakes, the source of our drinking water. To help solve this problem, the stormwater management facility is under construction at the south-west corner of Scenic Drive and Sanatorium Road. This will have a park like setting with numerous trees, shrubs, meadow grasses, and wildflowers."

The developer contends that the design and amount of planting in the pond is more akin to a passive recreation area than an engineered stormwater facility. On this basis, the request was submitted for a twenty-percent credit from the Reserve for Parkland Dedication.

The original request was submitted to the Parks Staff Committee for their review. A summary of the Committee's review was provided to the agent for Starward Homes in April of this year. In October, the agent for Starward Homes forwarded a letter to the Planning and Development Department requesting a decision by Council on this matter.

DISCUSSION OF ISSUES:

The stormwater pond in the Tiffany Subdivision is the first stormwater pond to be constructed in the City of Hamilton. The pond was required by the Hamilton Region Conservation Authority to implement the Province's new guidelines for stormwater management ("Best Practices"). The request for the parkland credit is the first request for a credit for a stormwater pond.

This is an issue that has not arisen in the City of Hamilton previously. The Parks Staff Committee chose to examine the issue comprehensively so that a policy could be developed. The review included the following: a review of current municipal policy; a review of the Reserve for Parkland Dedication; a review of the purpose and function of stormwater ponds; and a survey of the policy and experience of other municipalities in Ontario

1. Current Municipal Policy

The Official Plan identifies parkland as "Open Space" within the land-use framework. Open Space is a broad category that includes natural areas such as the Niagara Escarpment, conservation area lands, hazard lands, environmentally significant areas, parks, and significant woodlots. The policy for establishing and developing parks is within the Official Plan and includes: the desired level of service in terms of land area for parks (based on the neighbourhood population); the hierarchy of the park system; park development; land acquisition for parks; and land dedication under the five-percent parkland fund.

Council has also adopted the Park Expenditure Policies which is a separate document of Council Policy related to: funding of parks; acquisition of parks (in terms of priorities); park development; and identifying parkland needs for each neighbourhood in the City. The Park Expenditure Policies deal specifically with the management of the parkland acquisition and development program within the City. In adopting this policy, Council established the priorities for funding, acquisition, and development of parks. The following policy is a statement of the intent of the Park Expenditure Policies:

> "The prime directive for managing the parkland funds is to ensure that sufficient monies are available for acquiring parkland such that the long range acquisition programme for attaining the City's standards for park space in each neighbourhood keeps pace with the development of new neighbourhoods."

2. Reserve for Parkland Dedication

The Planning Act provides the authority for a municipality to collect parkland dedication from developers. The Act stipulates that municipalities can collect the dedication in two forms: a percentage land area of the subdivision or a units per hectare calculation. Municipalities can also charge for industrial and commercial development. The dedication can be taken as land or as a cash-in-lieu of land payment. The City of Hamilton uses the five-percent land dedication (or cash-in-lieu

payment) for residential development. Industrial and commercial development is exempt from parkland dedication requirements. There is also no requirement for land dedication or cash-in-lieu payment for lands that are considered open space (i.e. not parkland but undevelopable open space areas such as ravine slopes).

The main purpose of the Reserve for Parkland is to acquire land in the municipality. Parks, in general, are one of the desired amenities in residential neighbourhoods and the five-percent fund is the main resource for acquiring land. Cash-in-lieu of land dedication is paid into the Reserve for Parkland, per the Planning Act. The reserve is used to fund parkland purchases, parkland development, and to pay any credits owing to a developer. Parkland credits can be owed to a developer in the case where a developer dedicates land that exceeds the five-percent requirement of the Planning Act. In these circumstances, the developer is given a credit which can be used in the following ways: the credit can be applied to other developments in the same neighbourhood or an adjoining neighbourhood, or the developer can request reimbursement from the reserve for parkland.

The Reserve for Parkland currently sits in a negative balance: -$203,655.26. Payment of this credit would increase the negative balance of the fund.

3. Stormwater Ponds

Until approximately 1994, stormwater in Hamilton was handled through stormwater pipes in the road system (for newly developing areas). The Province changed their preferred manner for handling stormwater in 1994 to a system of stormwater management ponds. These ponds provide a naturalized treatment of stormwater in two ponds: the quality pond and the quantity pond. The quality pond is a biologically engineered facility that uses plants, rocks, and channel design to remove the initial pollutants in the stormwater. These pollutants are generally pesticides and lawn fertilizers. The quantity pond addresses the volume of stormwater and dissipates the water at a rate that minimizes erosion. This is especially important in areas near the Niagara Escarpment. The pond in question is a quality pond; it is for this reason that the extensive planting was required.

The change to stormwater management ponds as the preferred means of handling stormwater has benefits for the larger community. The Remedial Action Plan for Hamilton Harbour determined that the largest source of non-industrial pollutants is pesticides and lawn fertilizers from residential areas. By reducing the pollutants in stormwater through the use of ponds, the pollutants do not enter the streams, rivers, and Hamilton Harbour.

4. Parkland Credit Policy and Stormwater Ponds

The City of Hamilton does not have a policy on stormwater ponds and parkland credits. The principal reasons for this are: the pond in Mountview Neighbourhood is the first pond to be constructed in the City and this request is also the first request for such a credit.

Part of the review of the request for the credit included a survey of other municipalities to determine what policies, if any are used. The survey also requested information on whether credits had been granted in any of the municipalities. The survey was sent to nineteen municipalities, with thirteen providing responses. No municipality has a general policy for stormwater ponds and parkland credits. Four of the municipalities have provided credits on a one-time basis: three were for the provision of active recreational areas and one was to alleviate external servicing costs. In these four municipalities, each indicated that no further provision of parkland credits would be made for stormwater ponds. The summary of the survey results is attached to this report.

COMMENTS:

1. Starward Homes has requested a twenty-percent credit for pond as a passive recreation area. The following is a description of the land area involved. The pond in question is 16,636.55 square metres in area; twenty percent would be 3,327.31 square metres. The pathway area is 102.3 square metres; the maintenance road is 337.5 square metres. The table below identifies the costs associated with a parkland credit for the different areas.

Item	Land Area	Parkland Credit Amount
20% of Pond Area	3,327.31 sq.m.	$11,100
Pathway	102.3 sq. m.	$340
Maintenance Road	337.5 sq. m.	$820

As part of the plan of subdivision, Starward Homes dedicated five-percent of the land area to the municipality for parkland purposes in the amount of 7,000 square metres.

2. The Parks Staff Committee reviewed the request and advised the developer that the request for a credit could not be supported. The reasons for not supporting the request are as follows:

   a) The stormwater pond is a utility function that, in essence, replaces a stormwater sewer. The City has never given a parkland credit for the provision of a storm sewer.
   b) It has been the City's consistent practice to use the parkland dedication (both land and cash-in-lieu) for the development of active parks within residential neighbourhoods. The City does not require a land dedication for passive open space or passive recreational areas over and above the parkland dedication requirement. The requested credit is inappropriate as the City does not require dedication of land (or cash-in-lieu of land dedication) for passive recreational areas.
   c) The pond design includes a pathway for pedestrian use and maintenance access. This is included so that residents will not walk through the portions of the pond that

are planted and used as part of the stormwater management. The pathway is the only area of the pond that is available for use by the residents of the neighbourhood.

d) The stormwater pond was one of the most contentious issues during the preparation of the neighbourhood plan for this area. Residents expressed great concern about safety; standing water; mosquitoes and other pests that could arise as a result of the pond being constructed. The consultants for the developer and Chedoke Health Corporation designed the pond and presented the proposed design to the residents, in part, to mitigate the residents' concerns. The initial pond design came from the consultant and not from City or Regional staff. The developer, in designing and constructing the pond, was responding to concerns of the area residents. The consultants for the developer used the term "park-like setting" in describing the pond to the residents of the neighbourhood. It is true that there is a significant landscaping component in the pond. However, as stated earlier, this is for the bioengineering of the pond and not an open space or recreational function. The pond is designated "Utilities" on the Neighbourhood Plan.

e) The reserve for parkland dedication is currently in a deficit position; providing a credit for an engineering related use is not an appropriate use of the Reserve for Parkland. Further, if a credit is provided, the City's ability to acquire and develop parkland in other neighbourhoods will be undermined.

f) The results of the survey of other municipalities indicates that provision of parkland credits for stormwater ponds is the exception and not the rule. No municipality has given a credit for a stormwater pond as a passive recreational area. In fact, all the municipalities who responded recommended that no parkland credit be given for a stormwater pond. Based on the experience of other municipalities, the provision of a parkland credit in this instance would not be appropriate.

g) Granting of a credit would set an undesirable precedent. The City is currently selling its land within the Albion Mills subdivision in the Albion Falls Neighbourhood. No credit is being given for the stormwater management pond in that subdivision. A credit to Starward Homes would be seen as a precedent for all future stormwater management ponds in the City of Hamilton.

3. The review of this issue has shown that additional policy work must be done in this area of park policy. The City is currently reviewing its Official Plan and a review of the Open Space and Park policies will be part of this review. The Park Expenditure Policies are to be revised when the 1997 Assessment Population is released; at that time, specific municipal policies regarding this issue will also be incorporated into the policies. Both documents will be presented to Council for adoption.

4. Should the Committee consider providing a parkland credit, it should be provided for the pathway only. Applying a parkland credit of twenty percent is excessive given that this represents thirty times the area of the pathway, which is the only area of the pond available for use by residents of the neighbourhood and only for walking. Staff maintain that any credit is an inappropriate use of the Reserve for Parkland.

CONCLUSION:

On the basis of the foregoing, the request for the parkland credit should be denied.

MLT/

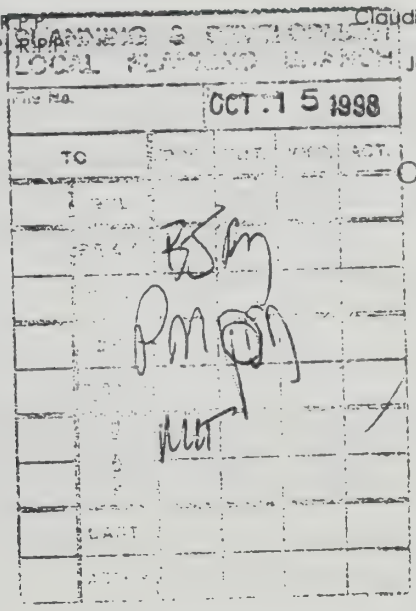
A. J. Clarke and Associates Ltd.

SURVEYORS · PLANNERS · ENGINEERS

A. J. Clarke, O.L.S.
Geoff Aldworth, O.L.S.
Barry Clarke, O.L.S., C.L.S.

Al Fletcher, M.C.I.P., R.P.P.
Terri L. Johns, M.C.I.P., R.P.P.

Adi Irani, P.Eng.
Claudio Giammarco, P.Eng.
Gord Shields, P.Eng.
Jason Schooley, P.Eng.



October 15, 1998

City of Hamilton
Planning Department
7th Floor
71 Main Street West
Hamilton, Ontario

Attention: Mr. P. Mallard

Dear Paul:

RE: CREDITS FOR THE PROVISION OF STORM WATER PONDS IN THE CITY OF HAMILTON

In October 1997, representatives of the HHHBA and the Hamilton Planning Department met to discuss the above-noted matter. We understood that a Staff report was to be presented in March 1998 with recommendations to address the issues. I understand that a report has not been forthcoming.

Our client, Starward Homes, would like to bring this matter before Planning Committee. Starward Homes does not intend to deal with this as a HHHBA initiative. They will be asking Committee to consider this matter as it relates specifically to the Tiffany storm water pond.

We await your assistance with this matter. Should you have any questions or require additional information, please do not hesitate to contact our office.

Yours truly,

A. J. CLARKE AND ASSOCIATES LTD.

Terri L. Johns, M.C.I.P., R.P.P.

cc: Mr. W. Campbell
Alderman D'Amico

Hamilton Office: 155 James St. S., Suite 125, Hamilton, Ontario, L8P 3A4
Tel: 905 528-8761 Fax: 905 528-2289
Burlington Office: 5353 John Lucas Drive, 1st Floor, Burlington, Ontario L7L 6G5
Tel: 905 319-8762 Fax: 905 319-8839
Toronto Line: 905 845-0606
e-mail: ajc@ajclarke.com

STORMWATER PONDS AND PARKLAND DEDICATION QUESTIONNAIRE SUMMARY

The questionnaire was sent to 19 municipalities with 13 complete responses being returned; 1 response is incomplete. The municipalities range in population size from 22,000 to 560,000. The questionnaire was structured into three parts: stormwater information; park dedication policies; and park dedication credit policies. The following is a summary of the findings.

Stormwater Information:

1. Number of Ponds:

   Only two of the municipalities responding have no stormwater ponds within the municipality; these two municipalities also have no plans to construct any ponds within the municipality. The remaining municipalities vary from a small number of ponds (2-3) to a great number of ponds (500). The majority are within the range of 20-25 ponds.

2. Average Pond Cost and Average Construction Cost:

   Only six municipalities were able to provide information on these costs. Of those who responded, the costs varied from $25,000 for construction cost with a landscaping component of $7,500 (the lowest) to construction cost of $1,200,000 with $240,000 in landscaping cost (the highest). Several municipalities indicated that the cost of construction of ponds varies in accordance with the size of the pond and its location. For these reasons, average costs are not meaningful.

Parkland Information:

This section of the questionnaire included baseline information regarding parkland dedication policies as well as information on any credits given.

1. Parkland Dedication:

Type of Parkland Dedication	No. of Municipalities Using this Method
5% Residential Dedication	12
Units Per Hectare Dedication	9
Commercial Dedication	12
Industrial Dedication	12

Note: One municipality has 2% dedication for commercial development only and one municipality requires 2% dedication for industrial development only.

The following table is a summary of what is included in the area of the subdivision for calculation of parkland dedication.

Item	Yes	No
Inclusion of Roads	11	2
Inclusion of Stormwater Pond Area	9*	2*
*For two municipalities this question is not applicable.		

3. Parkland Credits for Stormwater Ponds:

Only four municipalities have given a credit against the parkland dedication for a stormwater pond. In all cases, the issue was specific to one site. Three of the four municipalities provided a credit for provision of active parkland; in the fourth instance, the credit was given as a relief against external servicing costs.

4. Joint Park/Stormwater Facilities:

Eight of the municipalities have joint park/stormwater pond facilities. Four of these eight municipalities have plans (either through subdivision or secondary plans) for additional joint facilities. Six of the municipalities provided cost sharing breakdowns; in one instance there as a cost sharing (65% developer; 35% municipality). In the five remaining cases, the developer paid 100% of the cost of the shared facility.

5. Cash-in-Lieu Payments:

Eight municipalities were able to provide information on the cash-in-lieu of parkland payments received in 1994, 1995, and 1996. The following is a summary:

Year	Average Payment	Lowest	Highest
1994	$747,183	$2,000	$2,872,099
1995	$850,832	$2,000	$2,618,546
1996	$859,200	$2,000	$2,941,920

Eight municipalities received no land dedication in these three years. For the remaining five municipalities, the land dedication varied from a low of 0.4 hectares to a high of 4.69 hectares.

Parkland Dedication Credit Policies:

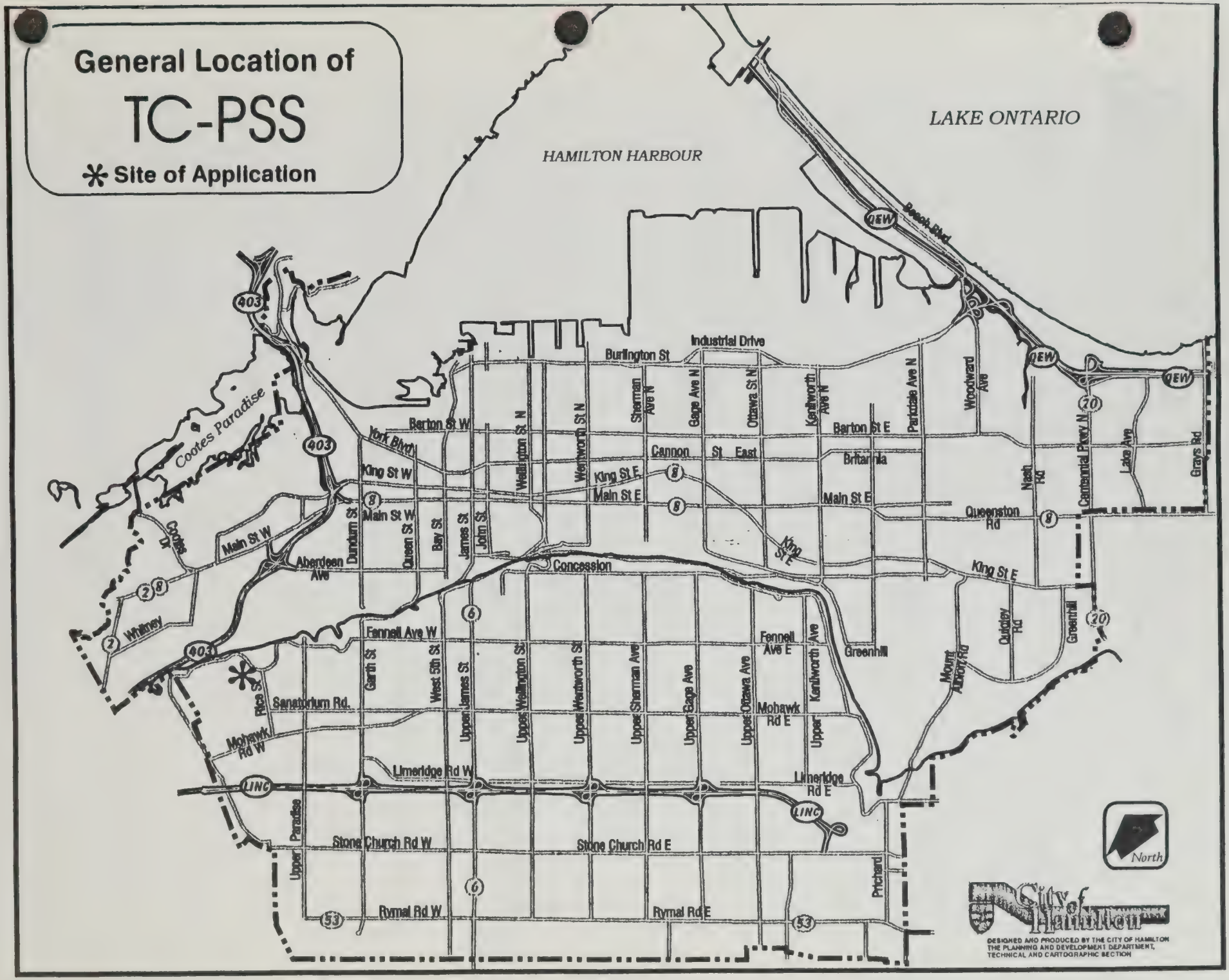
No municipality has developed a general policy regarding the provision of parkland credits for stormwater ponds. Several municipalities commented that these matters are separate and a general policy is not provided by the municipality because stormwater

ponds are engineered services. Those municipalities that have provided a credit in the past have done so on a case by case basis.

SUMMARY:

The key findings are as follows:

- Stormwater management ponds are being required as a result of the Best Management Practices required by the Province (some municipalities have implemented stormwater ponds in advance of the Provincial requirements). Municipalities in this survey clearly indicate that stormwater management ponds are part of the development requirements within their jurisdiction.
- Information on the average cost of construction and landscaping of stormwater ponds is not meaningful. The range is substantial in terms of costs; in addition, as less than half the municipalities were able to provide the information, a calculation of the average cost would not be of assistance.
- Most municipalities use a blended method of determining parkland dedication: 5% for low density residential areas and a units per hectare calculation for higher density residential areas.
- The majority of municipalities require parkland dedication for industrial and commercial purposes.
- Most municipalities include the entire area of a subdivision (including the road and stormwater pond area) in the determination of parkland dedication.
- Four municipalities have provided parkland dedication credits for stormwater ponds. For three of these municipalities, the credit was provided for a single instance where there was an active park developed with the stormwater pond. The fourth municipality provided a credit in lieu of external servicing costs.
- Eight municipalities have joint park/stormwater pond facilities. In all but one case, the developer paid 100% of the cost of developing the facility.
- Average cash-in-lieu payments to the municipalities (of which eight received cash) ranged from $747,000 to $859,000 for 1994-1996.
- No municipality has a general policy regarding parkland dedication credits where stormwater ponds are developed.


General Location of
TC-PSS
* Site of Application
LAKE ONTARIO
HAMILTON HARBOUR
Cootes Paradise
QEW
Beach Blvd
403
Industrial Drive
Burlington St
Barton St W
Barton St E
York Blvd
King St W
King St E
Main St W
Main St E
Cannon St East
Britannia
Queenston Rd
Concession
Aberdeen Ave
Fennell Ave W
Fennell Ave E
Greenhill
Sanatorium Rd.
Mohawk Rd W
Mohawk Rd E
Limeridge Rd W
Limeridge Rd E
LINC
Stone Church Rd W
Stone Church Rd E
Rymal Rd W
Rymal Rd E
Dundurn St
Queen St
Bay St
James St
John St
Wellington St N
Wentworth St N
Sherman Ave N
Gage Ave N
Ottawa St N
Kenilworth Ave N
Parkdale Ave N
Woodward Ave
Centennial Pkwy N
Nash Rd
Lake Ave
Gray's Rd
Dartnall
Dudley Rd
Mount Albion Rd
Garth St
West 5th St
Upper James St
Upper Wellington St
Upper Wentworth St
Upper Sherman Ave
Upper Gage Ave
Upper Ottawa Ave
Upper Kenilworth Ave
Rice St
Upper Paradise
Pritchard
Whitney
North
City of Hamilton
DESIGNED AND PRODUCED BY THE CITY OF HAMILTON
THE PLANNING AND DEVELOPMENT DEPARTMENT,
TECHNICAL AND CARTOGRAPHIC SECTION

copy to A Kelly Annelo.
cc to B. Janssen
Attn: M Lee Tanner
cc A Zuidema

5b)i)

A. J. Clarke and Associates Ltd.

SURVEYORS · PLANNERS · ENGINEERS

A. J. Clarke, O.L.S.
Geoff Aldworth, O.L.S.
Barry Clarke, O.L.S., C.L.S.

Al Fletcher, M.C.I.P., R.P.P.
Terri L. Johns, M.C.I.P., R.P.P.

Adi Irani, P.Eng.
Claudio Giammarco, P.Eng.
Gord Shields, P.Eng.
Jason Schooley, P.Eng.

November 19, 1998

Hand Delivered

NOV 19 1998

City of Hamilton
Clerks Department
71 Main Street West, 2nd Floor
Hamilton, Ontario
L8P 4Y5

Attention: Ms Tina Agnello, Secretary
Planning and Development Committee

Dear Ms Agnello:

RE: PLANNING COMMITTEE MEETING OF DECEMBER 2, 1998

We respectfully request that Mr. Ward Campbell of Starward Homes be registered as a delegation for the above-noted planning committee. Mr. Campbell will be speaking to a Planning Staff Report dealing with the storm water pond in the Scenic Park (Tiffany) neighbourhood. We have requested Planning Staff to coordinate the equipment necessary for his presentation.

Thank you for your assistance with this matter. Should you have any questions or require additional information, please do not hesitate to contact our office.

Yours truly,

A. J. CLARKE AND ASSOCIATES LTD.

Terri L. Johns, M.C.I.P., R.P.P.

cc: Mr. W. Campbell, Starward Homes, via fax only
Ms M. Tanner, Hamilton Planning Department, via fax only

Hamilton Office: 155 James St. S., Suite 125, Hamilton, Ontario, L8P 3A4
Tel: 905 528-8761 Fax: 905 528-2289
Burlington Office: 5353 John Lucas Drive, 1st Floor, Burlington, Ontario L7L 6G5
Tel: 905 319-8762 Fax: 905 319-8839
Toronto Line: 905 845-0606
e-mail: ajc@ajclarke.com

6.

Turkstra Mazza
Hamilton Guelph Mississauga Toronto

Manfred Rudolph
15 Bold Street
Hamilton Ontario L8P 1T3
Telephone 905 529 3476 (905 LAW-FIRM)
Fax 905 529 3663
Direct Line 905 526 6183 Ext. 278

November 19, 1998

Via Fax No.: 546-2535

Mr. Frank D'Amico
Chairman
Planning & Development Committee
Aldermen's Office
71 Main Street West
2nd Floor
Hamilton, Ontario
L8P 4Y5

Dear Sir:

Re: **260-280 King Street East**
Demolition Permit
File No. 40544

Further to my letter of October 28th, 1998, would you please have this matter placed on the next Planning and Development Committee agenda.

I enclose a copy of my letter of October 28th, 1998 for your easy reference.

We would welcome the opportunity to speak with you concerning our request. Our request is based on the following:

1. The penalty payments referred to in the approved conditions represent the statutory maximums from the Planning Act;

2. In the circumstances, where the City is attempting to stimulate downtown development, it hardly seems appropriate that maximum penalties be imposed when development interests take risks at the downtown core;

3. The penalty payment that we are proposing would seem to be more than sufficient to cover any reduction in property tax payments should the site remain vacant for an extended period of time;

4. We understand that the City is actually providing financial incentives for downtown development or redevelopment. Our client, in this case, is not asking for any financial assistance from the City. It is willing to take the risk of development in the downtown core and to pay its own way to do so.

In the circumstances, then, we submit that the conditions we propose are appropriate in the circumstances and in the context of the City's downtown initiatives.

By way of copy of this letter to Ms. Agnello, I ask her to contact us and tell us when the next meeting is and to confirm that we will be placed on the agenda.

I have delivered a copy of this letter to the Building Department. I am assuming that the Building Department sets the conditions for demolition and that the Legal Department assists in implementing those conditions.

I look forward to hearing from you and meeting with you to discuss this matter.

Yours very truly,

Lunga Tapse per:

Manfred Rudolph

MR/lj
Enclosure
cc Ms. Tina Agnello
Secretary of the Planning
and Development Committee
cc Mr. Frank Spallacci
cc Mr. Len King

Turkstra Mazza
Hamilton Guelph Mississauga Toronto

Manfred Rudolph
15 Bold Street
Hamilton Ontario L8P 1T3
Telephone 905 529 3476 (905 LAW-FIRM)
Fax 905 529 3663
Direct Line 905 526 6183 Ext. 278

October 28, 1998

Via Fax No.: 546-2764

Mr. Peter Lampman
Deputy Commissioner
Building Department
City Hall
71 Main Street West
HAMILTON, Ontario
L8P 4Y5

Dear Sir:

Re: **260-280 King Street East**
Demolition Permit
File No. 40544

We enclose copies of the resolution of the Planning and Development Committee concerning this demolition permit application as well as a copy of a July 13th, 1998 letter from Mr. Powers to Mr. Mazza.

My client would like to get on with the development. Obviously, the City has some interest in downtown development. We have been before your committee on previous occasions to deal with the conditions and particulars dealing with this development.

Our client has instructed me to request the following changes to the conditions to be attached to the demolition permit. They are in order of the numerated paragraphs in the Committee's resolution:

1. My client does not wish to incur the expense of obtaining a building permit prior to demolition. The building permit can be applied for at the time that pre-sales indicate that construction will commence. We propose that the demolition permit condition require the developer to establish a pre-sales office, within a set period of time.

2. This is acceptable;

3. It hardly seems prudent, given the City's desire to stimulate downtown development, that the City simply attach the statutory maximum penalty should the construction of the proposed development not take place on schedule. We we would suggest that a one time penalty payment of $15,000.00 be paid should the condition not be met;

4. This is acceptable to us;

5. This is acceptable to us as well.

I look forward to discussing this matter with you and, hopefully, bringing it back to the Committee for the amendment of the conditions.

Thank you for your attention to this matter and we look forward to meeting with you.

Yours very truly,

Manfred Rudolph

MR/lj
Enclosures
cc Mr. Frank D'Amico
cc Mr. Frank Spallacci

SECTION 2 OF THE FIRST REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE, ADOPTED BY CITY COUNCIL ON DECEMBER 11, 1997

2. (a) (i) That subject to subsection (ii) below, the Building Commissioner be authorized to deny an application for a demolition permit for the building located at 266-280 King Street East, in accordance with Demolition Control By-law 74-290 pursuant to the demolition control provisions of the Planning Act (sec.33); and,

(ii) That the Building Commissioner be authorized to issue a demolition permit for the building located at 266-280 King Street East subject to the following conditions:

(1) the applicant has applied for and received a building permit for a replacement building on this property; and,

(2) the said building permit specifies that replacement building be erected within four years of the demolition of the existing building on this property; and,

(3) the said building permit for the replacement building specifies if such replacement building is not erected within the said four year time limit, that the City be paid the sum of $340,000 ($20,000 for each of the seventeen dwelling units of the existing building that were demolished); and,

(4) the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk listed below) in a form satisfactory to the Building Commissioner and to the City Solicitor; and,

(5) if the said replacement building is not erected as required, the City Clerk be authorized to add the said sum to the collector's roll, which sum shall remain a lien upon the property until paid; and,

(b) That Section (4) of the Second Report of the Planning and Development Committee adopted by Council 1996 February 13 be rescinded.

LAW DEPARTMENT
City of HAMILTON
71 Main Street West, Hamilton, Ontario, L8P 4Y5
Tel. (905) 546-4520 / Fax (905) 546-2142

July 13, 1998

Turkstra, Mazza, Shinehoft, Mihailovich & Associates
15 Bold Street
Hamilton, Ontario
L8P 1T3

Attn: P.D. Mazza [illegible] 1998

Dear Sir:

Re: Proposed demolition of building
260 King Street East, Hamilton
(also known as 266-280 King Street East)
Owner: Spallaci & Sons Ltd.
Our File: 141-17/96.1

Further to an inquiry received today from Pam of your office, enclosed please find a copy of Item 2, of the 1st Report of the Planning & Development Committee adopted by City Council on December 11, 1997.

As contemplated by this resolution, your client is required to take several steps before it may qualify for a demolition permit including registering on title to this property Notice (in a form satisfactory to the Building Commissioner and the City Solicitor) of the conditions under which Council may issue a demolition permit.

Accordingly, you may, among other steps referred to in the resolution cited above, prepare and submit a draft of the said Notice for our review.

A copy of this letter is being provided to our Building Department to keep it informed on these matters.

Yours truly,

David A. Powers
Senior Solicitor
Development & Real Estate Services

DAP:sr
Att.

c.c. L. King, Building Commissioner Attn: P. Lampman, Deputy Building Commissioner

7.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1998 December 2
9:30 o'clock a.m.
Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1998 November 18.

B. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

(i) International Village Business Improvement Area Revised Board of Management

(ii) International Village Business Improvement Area Proposed Budget and Schedule of Payments for 1999

C. BUILDING COMMISSIONER

Demolitions:
(i) 18 Hixon Street
(ii) 62 Wentworth Street North
(iii) 64 Wentworth Street North
(iv) 50 Glassco Avenue South

D. DIRECTOR OF PLANNING AND DEVELOPMENT

(i) Review of Landscape Regulations and Design Standards for Commercial Developments

(ii) Application to remove Part-Lot Control - Lots 1-15, inclusive, Registered Plan 62-M-864, "Olmstead Park, Phase 1"

E. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

Tivoli Theatre – Request for Designation as a National Historic Site

CONSENT AGENDA
PLANNING AND DEVELOPMENT COMMITTEE
Wednesday, 1998 December 2

F. SECRETARY, SELECTION COMMITTEE

Appointment of Members to the Local Architectural Conservation Advisory Committee

G. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

A.

Wednesday, 1998 November 18
Room 233, City Hall
9:30 o'clock a.m.

The Planning and Development Committee met.

There were present: Alderman F. D'Amico, Chairperson
Alderman G. Copps, Vice-Chairperson
Alderman M. Caplan
Alderman R. Corsini
Alderman D. Haining
Alderman F. Eisenberger
Alderman B. Kelly

Regrets: Mayor R. Morrow, Civic Business
Alderman B. Charters, Civic Business

Also present: L. Coveyduck, General Manager, Community Planning & Development
Victor Abraham, Director of Planning and Development
Paul Mallard, Planning and Development Department
Bill Janssen, Planning and Development Department
Caroline Floroff, Planning and Development Department
Mary Lou Tanner, Planning and Development Department
Eugene Chajka, Regional Environment Department
Ed Switenky, Public Works and Traffic Department
Len King, Building Commissioner
Peter Lampman, Building Department
Tina Agnello, Secretary

PUBLIC MEETINGS – 9:30 O'CLOCK A.M.

Prior to each Public Meeting, Alderman D'Amico advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at a Public Hearing.

1. **Subdivision Application 98-04 (Cornerstone Estates) and Zoning Application 98-34, by Alfredo Massi and Emidio Massi, Owners, for Changes in Zoning for a 2.5 ha (6.2 acre) Parcel of Land Located at the South-West Corner of Stone Church Road**

Angelo Cameracci, A.J. Clarke Engineering and Associates, was present on behalf of the applicant.

As recommended in a report from the Director of Planning and Development, dated 1998 November 5, the Committee recommended to Council as follows:

A. (a) That approval be given to Subdivision Application 98-04, (Regional File No. 25T-98010), Alfred Massi and Emidio Massi, owners to establish a draft plan of subdivision "Cornerstone Estates", on lands located south of Stone Church Road West and west of West Fifth Street in the Sheldon Neighbourhood, as shown on the attached map marked as Appendix "A", subject to the following conditions:

(i) That this approval apply to the plan prepared by Urbex Engineering Limited and certified by Bryon Jacobs, O.L.S., dated August 20, 1998, as revised in red, showing 27 lots for single detached dwellings, 5 blocks to be developed with the abutting lands for single detached dwellings, 1 block for townhouse

dwellings, 1 block for road widening purposes, 2 blocks for 0.30 m reserves, and two streets identified as Street "A" and Court "B", attached as Appendix "B"; and,

(ii) That Street "A" and Court "B" be named to the satisfaction of the City of Hamilton and the Region of Hamilton-Wentworth; and,

(iii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development a municipal street numbering plan; and,

(iv) That the owner shall erect a sign in accordance with Section XI of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton; and,

(v) That the final plan conform with the Zoning By-law approved under the Planning Act; and,

(vi) That the owner provide the City of Hamilton with a certified list showing the net lot area and width of each lot and block and the gross area of the subdivision in the final plan; and,

(vii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under Section 51 of the Planning Act; and,

(viii) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,

(ix) That the Owner agree to include the following warning clause to be registered on title of all Lots and Blocks within the plan of subdivision, and the owner shall ensure that the warning clause is included in all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and the City Solicitor; and,

(x) That the final plan be revised to provide for 9m radius transitions into and out of the cul-de-sac bulb on Court "B" to the satisfaction of the Commissioner, Regional Transportation Department; and,

(xi) That the Owner prepare and implement a tree preservation/restoration plan to the satisfaction of the City Horticulturist, Department of Public Works and Traffic; and,

(xii) That the Owner be responsible for all costs associated with the removal and/or replacement of any trees within the adjacent road allowance as determined by the City Horticulturist, Department of Public Works and Traffic; and,

(xiii) That the final plan be revised such that the east-west section adjacent to Lots 10, 11 and 12 must align centreline-to-centreline with Pantano Drive on Registered Plan 62M-827 to the satisfaction of the Manager, Development Division, Regional Environment Department and the Director, Programme and Maintenance Division, Regional Transportation Department; and,

(xiv) That the final plan be revised to provide for a 0.30 m reserve at the westerly limits of Court "B" to the satisfaction of the Manager, Development Division, Regional Environment Department and the Director, Programme and Maintenance Division, Regional Transportation Department; and,

(xv) That the applicant prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority. The approved plan is to include the following:

(1) All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been revegetated; and,

(2) All erosion and sediment control measures shall be inspected after each rainfall, or alternatively every 14 days, to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority; and,

(3) Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular Phase of construction; and,

(4) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction; and,

(xvi) That the Owner prepare and implement a stormwater management plan for the subject property to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority. The approved plan shall address stormwater quality and quantity issues and will ensure that current Provincial drainage and stormwater quality guidelines are implemented; and,

(xvii) That the Owner agree in writing that Blocks 28, 30, 32, 33 and 34 are to be developed in conjunction with the abutting lands; and,

(xviii) That the Owner dedicate Blocks 35 and 36, being 0.30 m reserves, to the Region of Hamilton-Wentworth; and,

(xix) That the Owner enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of the subject lands; and,

(xx) That the Owner agree in writing to satisfy all requirements, financial and otherwise of the City of Hamilton; and,

(b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SA-98-04/25T-98010), "Cornerstone Estates", proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,

(c) That the City Clerk be directed to advise the Director, Development Division, Regional Environment Department of Council's decision; and,

B. That approval be given to Amended Zoning Application 98-34, Alfred Massi and Emidio Massi, owners for changes in zoning from the established "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District (Block "1"), from "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District (Block "2") and from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "3") for lands located south of Stone Church Road West and west of West Fifth Street in the Sheldon Neighbourhood, as shown on the attached map marked as Appendix "A", on the following basis:

(a) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District; and,

(b) That Block "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family) District; and,

(c) That Block "3" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,

(d) That the Director of Planning and Development be authorized to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C for presentation to City Council; and,

(e) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

2. Zoning Application 98-35, by Sunoco Inc., Owner, for a Further Modification to the "HH" District, for Lands Located at 615 Mohawk Road West.

Paul Mallard stated that the property is now used as a gas bar and repair garage. This will be replaced to include a drive-thru donut facility. He stated that there is adequate space on site and there has been a recent trend for these convenience uses.

There are Regional Environment and Traffic concerns, therefore staff is requesting a five-car stacking. The use is only to be permitted to be as an accessory to the gas bar.

Tony Barton, E.G.A. Consultants, was present on behalf of the applicant.

As recommended in a report from the Director of Planning and Development dated 1998 November 6, the Committee recommended to Council as follows:

That approval be given to Zoning Application ZAC-98-35, Sunoco, owner, for a further modification to the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations, to permit a convenience store and Country Style Drive Thru (Donuts), in conjunction with the existing service station, on lands located at 615 Mohawk Road West, as shown on the attached map marked as Appendix "C", subject to the following:

(a) That the "HH' (Restricted Community Shopping and Commercial, etc.) District regulations, as contained in Section 14A of By-law No. 6593, as amended by By-law No. 85-1, applicable to the subject lands, be further modified to include the following variances as special provisions:

(i) That Section 2.(a)(i) of By-law No. 85-01 be deleted and replaced with the following:

"(i) **COMMERCIAL USES** shall be prohibited except for:

(a) a self-serve gas station and repair garage;

(b) a convenience store with a drive-thru donut restaurant having a total maximum gross floor area of 156 m^2, and only as an accessory use to the self-serve gas station and repair garage;

(ii) a minimum of five (5) unobstructed vehicle stacked parking spaces within the access driveway to the drive-thru donut restaurant shall be provided and maintained between the entrance to the drive-thru donut restaurant and the menu board;"

(b) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Section S-801a, and the subject lands on Zoning District Map W-27 be notated S-801a; and,

(c) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map W-27, for presentation to City Council; and,

(d) The proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

THE CHAIRPERSON INTRODUCED THE GENERAL MANAGER FOR COMMUNITY PLANNING AND DEVELOPMENT, LEE ANN COVEYDUCK TO THE COMMITTEE MEMBERS.

3. Zoning Application 98-37, by Francesco Agostino, Prospective Owner, for a Change in Zoning from "G-3" District to "D" District Modified for Property Located at 11 Cheever Street.

Paul Mallard stated that this application is a request to change parking to three residential lots. It is an infill situation and re-establishes residential. There is a condition that there be a minimum 25-foot frontage, which is consistent with the existing buildings.

Francesco Agostino, applicant, was present. In response to a question from Alderman Haining, Mr. Agostino stated that there would be on-site parking.

As recommended in a report from the Director of Planning and Development dated 1998 November 5 , the Committee recommended to Council as follows:

That approval be given to Zoning Application 98–37, Francesco Agostino, prospective owner, for a change in zoning from "G–3" (Public Parking Lots) District to "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District modified to permit three (3) single family dwellings on the property located at 11 Cheever Street, as shown on the attached map marked as Appendix "D", subject to the following:

(a) That the subject lands be rezoned from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District; and,

(b) The "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special provisions:

(i) That notwithstanding Section 10. (4) (i), for a single family dwelling a width of at least 7.79 m (25.56') and an area of at least 235.60 m^2 (2,536.0 S.F.) shall be provided and maintained; and,

(ii) That notwithstanding Section 18A. (7b), the finished level of the garage floor shall be a minimum of 0.1 m above grade; and,

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1419, and the subject lands on Zoning District Map E-12 be notated S-1419; and,

(d) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map E-12, for presentation to City Council; and,

(e) That this proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

(f) That the subject lands be redesignated on the approved Landsdale Neighbourhood Plan from "Commercial" to "Single and Double Residential" upon finalization of the implementing By-law.

THE COMMITTEE SUSPENDED THE PROCEDURE RULES IN ORDER TO HEAR THE AGENDA OUT OF SEQUENCE.

7. REFERRAL FROM COUNCIL

Official Plan Amendment 156 and ZA-98-25 for 227-229 Maplewood Avenue

The Committee moved to reconsider this matter.

Alderman Haining stated that he does not want to tear down two houses in good condition – it's not appropriate. He also stated that the applicants knew that they did not have sufficient parking when they purchased this land for the development.

A discussion ensued with regard to whether or not delegations will be permitted to speak.

Following brief discussion, the Committee resolved to deny the application as follows:

A. That Official Plan Amendment No. 156 to establish a Special Policy Area to permit a parking lot only in conjunction with lands located at 190 Gage Avenue South, on lands known municipally as 227-229 Maplewood Avenue, as shown on the attached map marked as Appendix "E", be denied; and,

B. That amended Zoning Application 98–25, Taras Shevchenko Home for the Aged, owner, for a change in zoning from "D" (Urban Protected Residential – One and Two Family Dwellings, etc.) District to "G–3" (Public Parking Lots) District, modified to permit a parking lot on the property located at 227–229 Maplewood Avenue, as shown on the attached maps marked as Appendices "E" and "F", be denied for the following reasons:

(a) The proposed parking lot is not compatible with the existing residential development in the surrounding area; and,

(b) The proposal conflicts with the approved Blakeley Neighbourhood Plan which designates the subject lands "Single and Double" Residential.

8. CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

Hamilton Community Correctional Centre – Proposed Location

Mary Pocius stated that CAPIC is the guardian of the Central Area. She said that various Neighbourhood Associations are represented at this meeting, including B.I.A.'s and Citizens for Citizens for Action Group.

She stated that CAPIC was not consulted in any way throughout this process. The downtown neighbourhood is saturated with social services. She asked the Committee to

implement an Interim Control By-law to restrict the use until the secondary plan is completed.

With regard to the Interim Control By-law, Victor Abraham stated that it could only be implemented once every three years. He reminded the Committee that the correctional centre is a Federal issue. He also stated that should the Interim Control By-law be put in effect and be site specific, the courts would not look favourably on this.

Brenda Mitchell, of the Stinson Association, was present and stated that people will not re-invest in downtown if it becomes saturated with correctional centres. This is contrary to the strategies to redevelop the downtown core. She stated that 26,000 people and various businesses will be affected and they do not want the correctional centre in the downtown core. She also stated that representatives from all the schools in the area are present at this meeting.

Elaine Fallen stated that much money has been spent on the downtown core and much time and energy has also been expended. The downtown neighbourhoods are filled with second-level housing. She stated that this is not the best place for people to be rehabilitated.

Jo Symmons was present. She stated that this is not the first time that there has been a conflict with the Federal government. She stated that there needs to be a re-examination of how the Federal government works with the City.

Hal Costic, of the Corktown Neighbourhood Association, was present. He stated that recently many young families have been moving into the area and positive things are happening. There is still much potential in the Corktown neighbourhood with regard to infilling. He urged the Committee to fight for the downtown.

Richard Gillespie, of the Beasley Neighbourhood Association and Beasley Community Centre, was present. He stated that humanity concerns need to be addressed. There is a negative perceived image of correctional centres. He suggested that the Federal government is putting at risk those in the downtown core and he also suggested that the social assistance concern be shared around the Region rather than solely in the downtown core. The City should sit down and try to rezone a suitable property elsewhere.

Alderman Corsini stated that this is not a NIMBY issue. These people support the downtown core. He suggested that the radial separation be changed from 180 metres to 400 metres.

Alderman Copps concurred and stated that all the preferred sites were in the lower City and that most of them are in "H" zones which abut residential. She suggested that the City choose the site and was concerned that there would be seven or eight pedophiles located in this location, which is not appropriate. She also advised the Committee that these uses are not permitted in Stoney Creek and various other municipalities and as such, many are located in Hamilton.

Alderman Eisenberger stated that it does not make sense for the corrections people not to look at properties which require rezoning. He was also concerned that the broader Region was not considered.

Alderman Haining stated that recently there has been a resolution passed at City Council which states that they are against this establishment in the downtown core. He continued by stating that this facility is not wanted in any of the neighbourhoods, or anywhere in the City for that matter. In that respect he does not suggest that a new selection process be commenced.

Alderman Kelly concurred and stated that the Committee requires legal advice.

Following discussion, the Committee deferred this issue to later on in the meeting.

4. CITY INITIATIVE 98-C, WINDERMERE BASIN

Caroline Floroff stated that in September, 1997 a Committee supported an open-space option in Windermere Basin. Should this go to the Ontario Municipal Board, the City must hire outside planning consultants. The most recent minutes of settlement have stated that the Hamilton Harbour Commission have the right to continue the hearing before the OMB. The Board has scheduled a two-week hearing commencing January 18, 1999.

There are various issues with regard to the Windermere Basin - aesthetics as well as that fact that since it is highly visible from a traffic area and environmental concerns such as aquatic and wildlife

She stated that many conditions have to be met such as a record of site condition to be submitted and further remedial work. She also advised that water quality is a concern, therefore a condition of approval should be a storm water management study and an environment impact statement. Also, parameters should be set to develop urban design guidelines. She suggested that the recommendation be modified to take out some uses. She advised that the land and water areas are owned by the Hamilton Harbour Commission, which was partly owned by Stelco which was to the Harbour Commission.

With regard to the OPA, she stated that a special study area is to be designated open space and that the water be designated as open water. A policy is to established to allow for additional uses. An environmental impact statement should be issued. A water quality study, storm water management plan, urban design guidelines, and a record of site condition and remedial work are required.

With regard to the zoning, Ms. Floroff advised that the land is to be rezoned to Open Space. Additional uses are to be added and also accessory uses. The entire area will be placed under site plan control.

Scott Packham, Environmental Planner with the Hamilton Region Conservation Authority, was present. He spoke in favour of the recommendation. He stated that a letter dated November 16, 1998 has been submitted which refers to a motion of the Board made on November 5, 1998 requesting that staff make a presentation supporting the City of Hamilton planning staff recommendation. He stated that this is the last open area in the south Hamilton Harbour and is a prime open space area.

Don MacLean, Unit 68, 151 Gatehead Crescent, Stoney Creek, a representative of the Hamilton Naturalist Club, was present. He stated that Hamilton's image is not pleasant. There is a potential to change the image in the direction of the community. The clean up of the Harbour is crucial. He stated that his club has a remedial action plan in place and that this will be a wonderful opportunity to have an ecologically safe are with steel mills.

Alderman Caplan thanked Alderman Eisenberger for his advocacy on this issue.

Alderman Copps was concerned with the sale of properties from Stelco to the Harbour Commission. She stated that it would be wonderful if people could come to this area to bird watch.

The Committee concurred that this matter be deferred to later on in the meeting.

9. DIRECTOR OF PLANNING AND DEVELOPMENT

Proposed Draft Plan of Condominium – Condominium Conversion, 9 Sherman Avenue South (CDM-CONV-98-013)

Morton Taylor, applicant, was present.

Bill Janssen stated that this application has been brought to the Committee before OPA 151 was approved. It is an eight unit, 2-bedroom condo. Mr. Janssen advised that the

central east vacancy rate is presently 5%. To renovate each unit will cost $20,000 to $30,000. This will not adversely affect the housing stock in this area, therefore the Planning Department recommends approval.

Alderman Copps was concerned that we do not have the opinions of residents.

Mr. Taylor stated that there is only one resident in the building and that this is the result of the fact that they have left the units vacant as the tenants have left.

Alderman Haining supported the application and asked if the outside of the building is to be fixed to which Mr. Taylor replied that it would.

As recommended in a report from the Director of Planning and Development dated 1998 November 5, the Committee recommended to Council as follows:

(a) That approval be granted to application CDM-CONV-98-013 (Regional File 25CDM-98018) submitted by Kate Taylor and Morton Taylor, owner, for a draft plan of condominium for property located at No. 9 Sherman Avenue South, as shown on the attached Plan marked as Appendix "G", to provide for a condominium comprised of 8 individual apartment condominium units, subject to the following conditions:

(i) That this approval applies to the attached draft plan dated September 2, 1998 (Appendix "G") prepared by A.T. McLaren Limited Ltd.; and,

(ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,

(iii) That prior to approval of the final plan:

(1) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and,

(2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law No. 6593, and,

(3) the applicant/owner enter into an encroachment agreement with the Regional Municipality of Hamilton-Wentworth in regard to the encroachment of the guard rail onto the Sherman Avenue South road allowance; and,

(b) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

6. DELEGATION

Brian Hinkley – Hamilton Harbour Planning Issues

Mr. Hinkley stated that, with regard to ownership, the Hamilton Harbour Commission holds most of the lands in trust for the City. According to the Hamilton Harbour Commission site plans apply to only areas which are not shipping or navigation. The letters patent and also the minutes of settlement are the window of opportunity. According to the Harbour Commission the City has no control over any areas that are

shipping/navigation. The Harbour Commissioners are being told by their staff that the City's position always changes. He stated that City should define in the letters patent what shipping and navigation is. With regard to rendering plants they are still being considered. With regard to potential new businesses, the policy is to try to arrange a meeting with residents but that has not recently been done.

Victor Abraham stated that all uses were listed and that in the first the site plan process the minutes of settlement have been invalidated. With regard to this, Mr. Hinkley stated that it is a matter of interpretation. Unless Mr. Hinkley is sitting at the table, he does not know what was said or understood.

The Chairperson thanked Mr. Hinkley for attending.

10. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

The minutes of the meeting held 1998 November 4 were adopted as presented.

B. BUILDING COMMISSIONER

(i) Sewage Systems and the Ontario Building Code, dated 1998 November 5:

That, with regard to the transferral of authority regarding Sewage Systems to the Building Code Act:

(i) That the Solicitor, Corporate Services be authorized and directed to amend By-law 93-167, section 6A. (c)(iii) as follows:

"...Column 1 of the Table 8.2.1.5.A., 8.2.1.5.B. and 8.2.1.5.C;..." be changed to "...Column 1 of Table 8.2.1.5., 8.2.1.6.A, 8.2.1.6.B. and 8.2.1.6.C;...", and;

(ii) That the Solicitor, Corporate Services be authorized and directed to amend Schedule "A" of By-law 93-167, section 11.(c) as follows:

"...for lots with existing septic systems." be changed to "...for lots with existing sewage systems.".

(ii) Demolition of 1016 Upper Paradise Road, dated 1998 November 6:

That the Building Commissioner be authorized to issue a demolition permit for 1016 Upper Paradise Road in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(iii) Demolition of 1088 Upper Paradise Road, dated 1998 November 6:

That the Building Commissioner be authorized to issue a demolition permit for 1088 Upper Paradise Road in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

C. DIRECTOR OF PLANNING AND DEVELOPMENT

(i) Application to Remove Part-Lot Control (PLC-98-08) – Block 21, Registered Plan 62M-829 "Eagleview Estates, Phase 1", dated 1998 November 4:

(a) That approval be given to amended Part Lot Control Application 98-08, Harp Homes, Inc., to remove part-lot control for Block 21,

located in "Eagleview Estates, Phase 1", Registered Plan 62M-829, to permit the subdivision of Block 21 into 2 blocks to be merged with the abutting lands for 2 lots for single detached dwellings, as shown on the attached map marked as Appendix "H"; and,

(b) That the Director of Planing and Development be authorized to prepare a By-law to remove part lot control from Block 21, Registered Plan 62M-829, "Eagleview Estates, Phase 1" plan of subdivision, for presentation to City Council; and,

(c) That the exempting By-law not be presented to City Council until such time as the following conditions have been satisfied:

(i) the applicant has prepared and submitted a revise grading plan for Block 21, Plan 62M-829 to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department; and,

(ii) the applicant has made a cash payment in lieu of lands to be dedicated for park purposes to the City of Hamilton to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department; and,

(iii) the applicant has dedicated a 0.30 m reserve along Upper Sherman Avenue to the Region of Hamilton-Wentworth to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department; and,

(iv) the By-law for a change in zoning for the subject lands has been finalized to the satisfaction of the Director of Planning and Development; and,

(d) That the exempting By-law be restricted to a 1 year effective time period to expire on December 1, 1999; and,

(e) That following the enactment of this By-law, the Commissioner, Regional Environment Department (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the By-law and endorse the same on the By-law.

(ii) **Application to Remove Part-Lot Control – Lots 1-13, Inclusive, and Lots 15-22, Inclusive, Registered Plan 62M-853, "Allison Estates, Phase 5", dated 1998 November 4:**

(a) That approval be given to Part Lot Control Application 98-09, 200 Rymal Road Inc., owner, to remove part-lot control for Lots 1 – 13, inclusive and Lots 15 – 22, inclusive, located in "Allison Estates, Phase 5", Registered Plan 62M-853, known municipally as 26 – 78 Piano Drive, inclusive, and 30 – 58 Meadowpoint Drive, inclusive, for the purpose of establishing maintenance easements, as shown on the attached map marked as Appendix "I"; and,

(b) That the appropriate By-law, to remove part lot control from Lots 1 – 13, inclusive and Lots 15 – 22, inclusive, located in "Allison Estates, Phase 5", Registered Plan 62M-853, be enacted by Council; and,

(c) That the exempting By-law be restricted to a 1 year effective time period to expire on December 1, 1999; and,

(d) That following the enactment of this By-law, the Commissioner, Regional Environment Department (as delegate of the Minister of

Municipal Affairs and Housing) be requested to grant approval to the By-law and endorse the same on the By-law.

(iii) "Wellington Meadows – Phase 1", Hamilton (Cash in Lieu of 5% Parkland Dedication), dated 1998 November 6:

(a) That Item Number 10 of the 8th Report of the Planning and Development Committee, adopted by City Council on Tuesday, 1998 April 28, for the approval of the cash payment in lieu of 5% parkland dedication for "Wellington Meadows – Apse 1" be rescinded and replaced with item (b) below:

(b) That the City of Hamilton accept the sum of $27,500 in connection with "Wellington Meadows – Phase 1", Hamilton, as the cash payment in lieu of the 5% land dedication required under Section 51.1 of the Planning Act.

6. PRIVATE AND CONFIDENTIAL AGENDA

The Committee adjourned in camera to discuss property and litigation matters and reconvened immediately thereafter with the following report:

A. CORPORATE COUNSEL

AA. Windermere Basin - Ontario Municipal Board Hearing

Mr. Birch was present. In response to a question, he stated that he would support option 4. He stated that the land use issue is distinct and separate from shipping/navigation.

As recommended in a report from Corporate Counsel dated 1998 November 12, the Committee recommended to Council as follows:

> That Corporate Counsel be authorized to retain an independent planning consultant to assist the City in replying to the appeals of the Hamilton Harbour Commissioners with respect to the official plan designation and zoning of Windermere Basin.

BB. Harbour Matters

As recommended in a report from Rand Roszell, Corporate Counsel dated 1998 November 17, the Committee recommended to Council as follows:

(a) That Corporate Counsel and City Staff seek to adjourn the Ontario Municipal Board Hearing scheduled to commence 1999 January 18 concerning the Official Plan Designation and Zoning for Windermere Basin; and,

(b) That Corporate Counsel arrange for representation of the Building Commissioner, L.C. King, in Ontario Court (General Division) Action No. 5638/98, through the use of in-house counsel, or, if in the opinion of Corporate Counsel, the positions of the Building Commissioner and the City diverge, through the use of outside counsel; and,

(c) That the City Treasurer recommend to the Finance and Administration Committee, a source of funding for independent legal representation of the City Building Commissioner in the event that Corporate counsel determines that this is necessary; and,

(d) That Corporate Counsel report back to the Committee with alternative approaches for the City given the current and evolving position of the Hamilton Harbour Commissioners.

4. City Initiative 98-C, Windermere Basin (continued ....)

As recommended in a report from the Director of Planning and Development dated 1998 November 5, the Committee recommended to Council as follows:

(a) That approval be given to Official Plan Amendment No. 157, attached as Appendix "J", to redesignate Windermere Basin from "Special Policy Area: Windermere Basin" to "Open Space" and "Open Water" on Schedule 'A' - Land Use Concept of the Official Plan, to add a new Policy to Subsection A.2.5 – Open Water, and delete Policy A.2.9.3.2 and replace it with a new policy. The Director of Planning and Development be directed to prepare the By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,

(b) That the appropriate By-law be enacted to approve CI-98-C to rezone Windermere Basin from "L-s" (Planned Development - Special Study) District to "A" - 'H' (Conservation, Open Space and Recreation - Holding) District, modified (Block "1", "2" and "3") to permit the development for open space, recreation and limited tourism related uses, and to "F-2" (Open Water) District (Block "4") to recognize the open water area, for the land area east and west of Windermere Basin, on the following basis:

(i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to Block "1", "2" and "3" by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as:

(1) the owner submits a signed Record of Site condition (RSC) to the Region and the Ministry of Environment (MOE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE; and,

(2) the owner submits an Environmental Impact Statement to the satisfaction of the Commissioner of Regional Environmental Services to evaluate the impacts of the specific proposals on the existing Environmentally Significant Areas and determine impacts of encouraging habitat given present soil and water quality concerns; and,

(3) the owner prepares and submits a stormwater management plan to the satisfaction of the Commissioner of Regional Environmental Services and the Hamilton Region Conservation Authority; and,

City Council may remove the 'H' symbol, and thereby give effect to the rezoning as stipulated in this By-law, by enactment of an amending By-law once the conditions are fulfilled; and,

(ii) That Block "1", "2" and "3" be rezoned from "L-s" (Planned Development - Special Study Area) District to "A" - 'H' (Conservation, Open Space, Park and Recreation - Holding) District; and,

(iii) That the "A" (Conservation, Open Space, Park and Recreation) District regulation, as contained in Section 7 of Zoning By-law No.

6593, applicable to Block "1", "2" and "3" be modified to include the following variance as a special requirement:

(a) That notwithstanding Section 7(1) of Zoning By-law No. 6593, the following uses shall also be permitted:

(i) visitor centre, museum, trail centre, and information centre,

(ii) accessory uses:

1. accessory buildings, structure or uses,
2. refreshment stand,

(iii) business identification sign that are ground signs or wall signs of an occupancy or use of land on which the sign is situated; and,

(b) Every sign shall conform to the following requirements:

(i) no sign shall exceed 2.0 m in vertical dimension: and,

(ii) the total aggregate area of all signs shall not exceed 0.5 square metres for every 0.5 m of frontage on which the lot abuts; and,

(iii) every wall sign shall be parallel to the wall to which it is affixed, and,

(iv) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain illumination; and,

(c) Clauses (iii), (iv) and (v) of Section 7.(1) of Zoning By-law No. 6593 shall not apply; and,

(iv) That Block "4" be rezoned from "L-s" (Planned Development - Special Study Area) District to "F-2" (Open Space - Harbour) District; and,

(v) The amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1418, and that the subject lands on Zoning District Map be notated S- 1418; and,

(vi) That the Director of Planning and Development be directed to prepare a By-law to amend Zoning District Map E-70, E-80, E-80a, E-80b, and E-80c for presentation to City Council; and,

(vii) That the proposed changes and modification in zoning will be conformity with the Official Plan for the City of Hamilton upon approval of Official Plan Amendment No. 157 the Regional Municipality of Hamilton-Wentworth; and,

(c) That Schedule "B" to the Site Plan Control By-law No. 79-275, as amended by By-law No. 98-173, be further amended by adding Blocks "1", "2", "3" and "4", and that the Director of Planning and Development be directed to prepare a Site Plan control By-law for presentation to City Council.

8. CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE

Hamilton Community Correctional Centre – Proposed Location

The Committee resolved that this matter be tabled to a special Planning and Development Committee before the Council meeting to be held 1998 November 24 and that staff be directed to review the criteria and site selection process and report back to the Committee.

All members of Council are to be invited to attend this special meeting.

11. OTHER BUSINESS

None.

12. ADJOURNMENT

There being no further business, the meeting then adjourned.

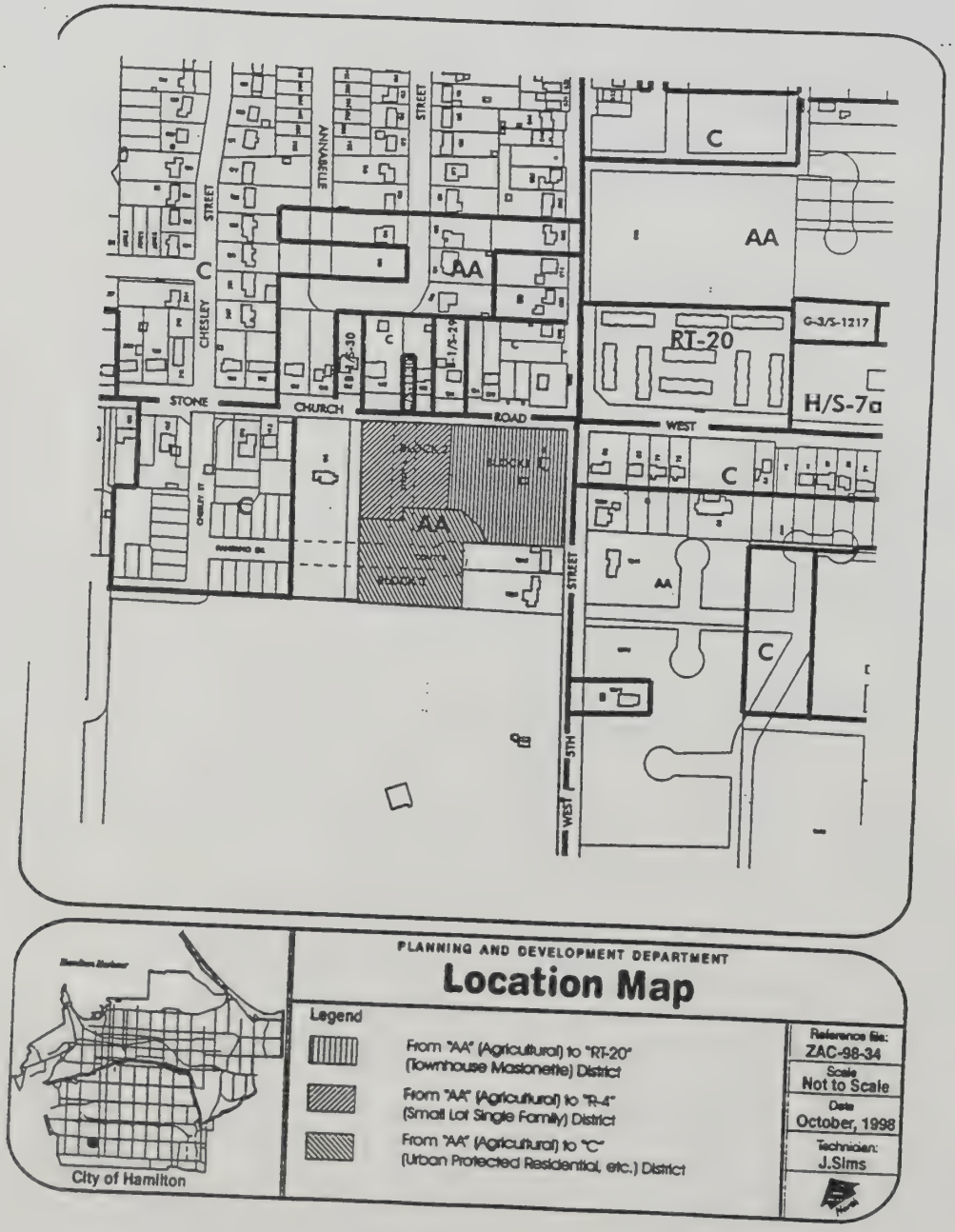
Taken as read and approved.

Alderman F. D'Amico
Chairperson

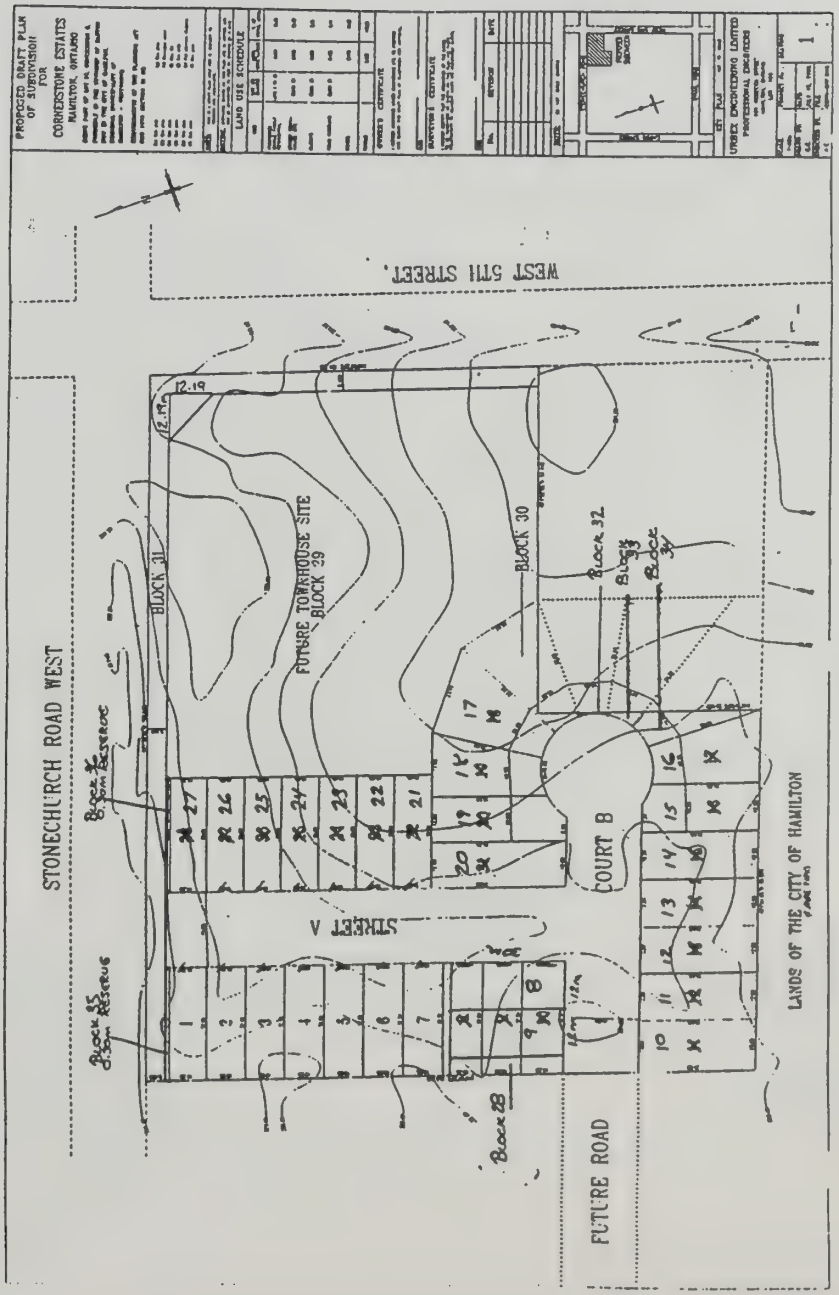
T. Agnello
Secretary

/jt

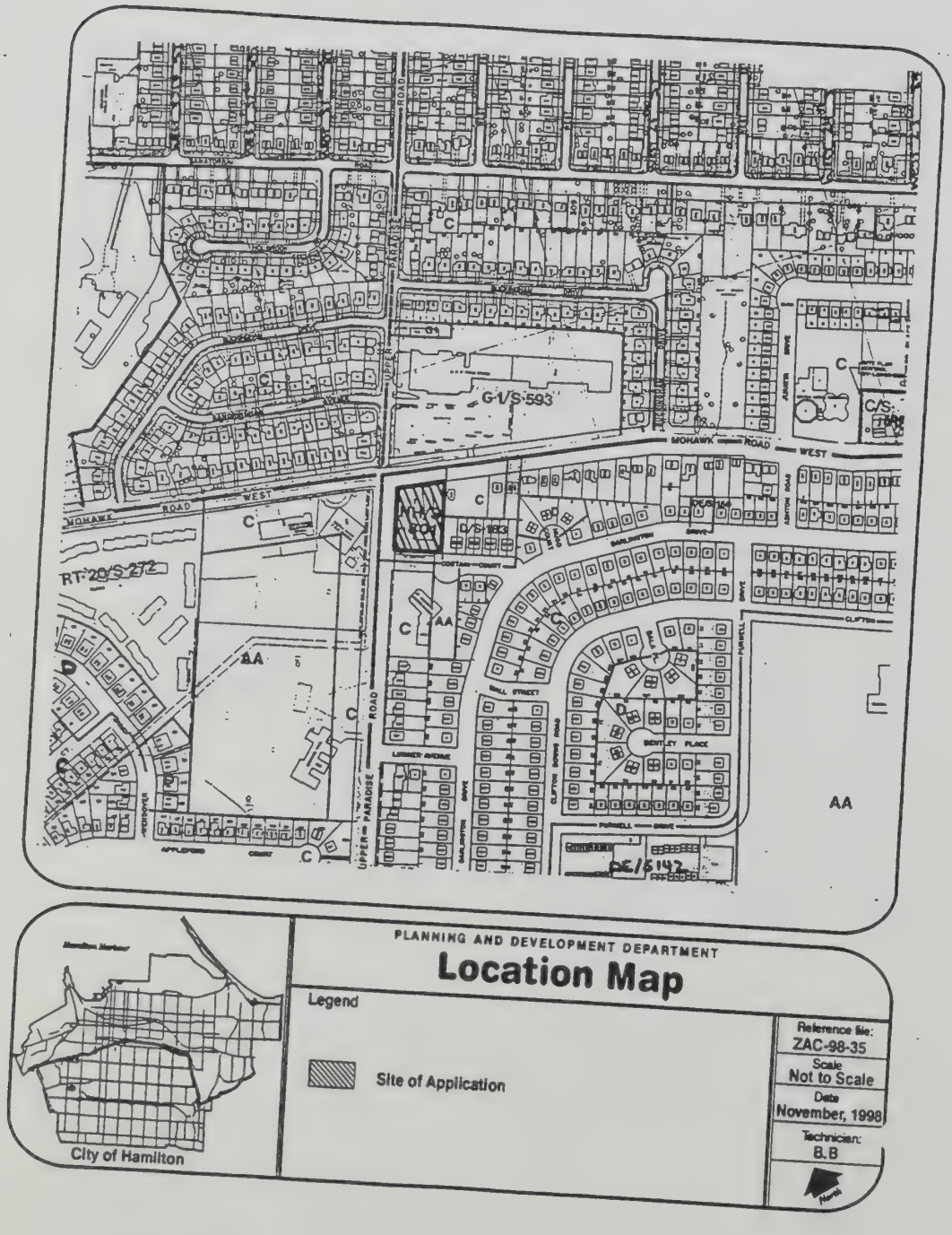
Appendix "A" as referred to in Section 1A(a)
and 1B of the Planning and Development
Committee minutes for the meeting held
1998 November 18



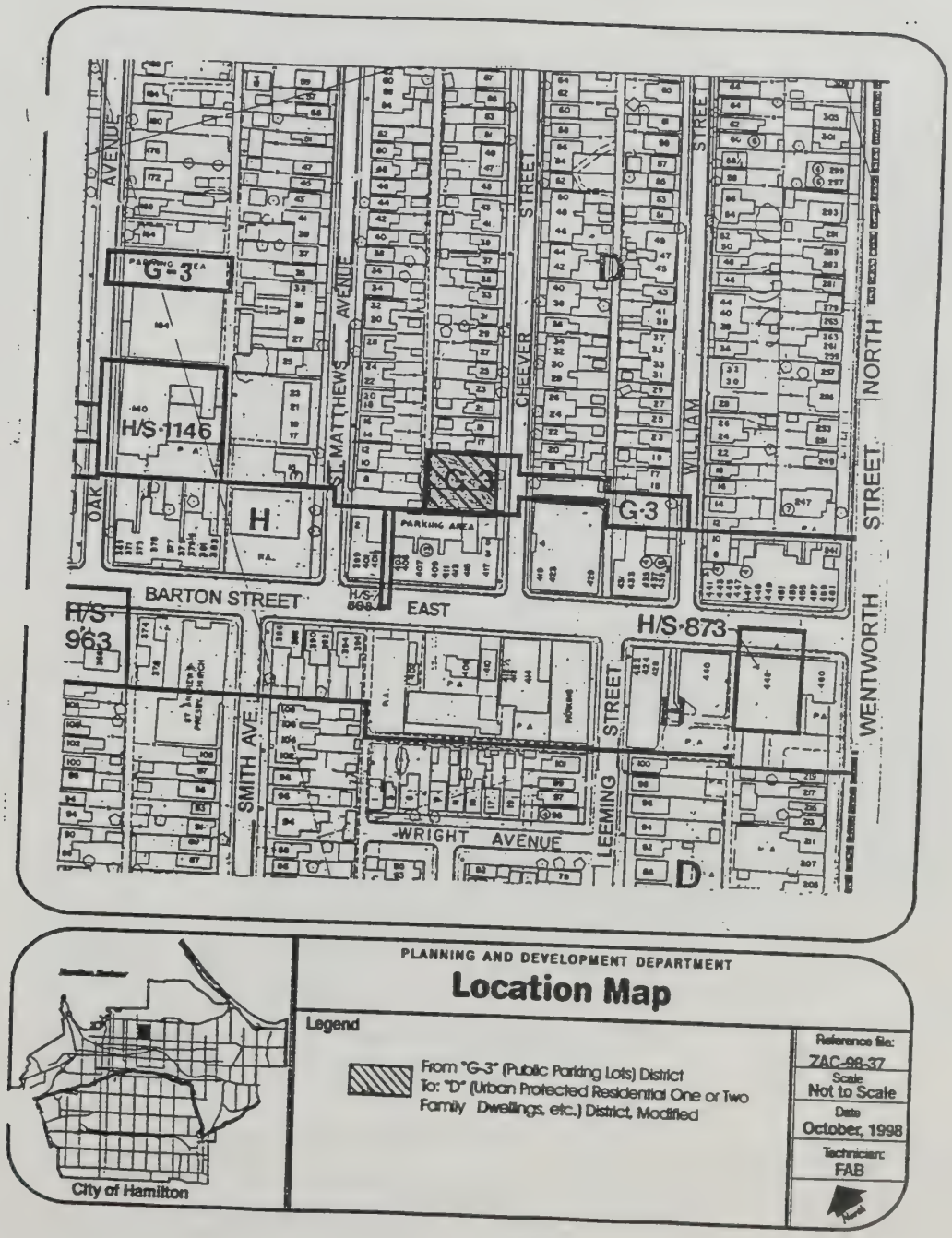
Appendix "B" as referred to in Section 1A(a)(i)
of the Planning and Development
Committee minutes for the meeting held
1998 November 18



Appendix "C" as referred to in Section 2
of the Planning and Development
Committee minutes for the meeting held
1998 November 18



Appendix "D" as referred to in Section 3
of the Planning and Development
Committee minutes for the meeting held
1998 November 18



Appendix "E" as referred to in Section 7
of the Planning and Development
Committee minutes for the meeting held
1998 November 18



Legend

Site of the Application

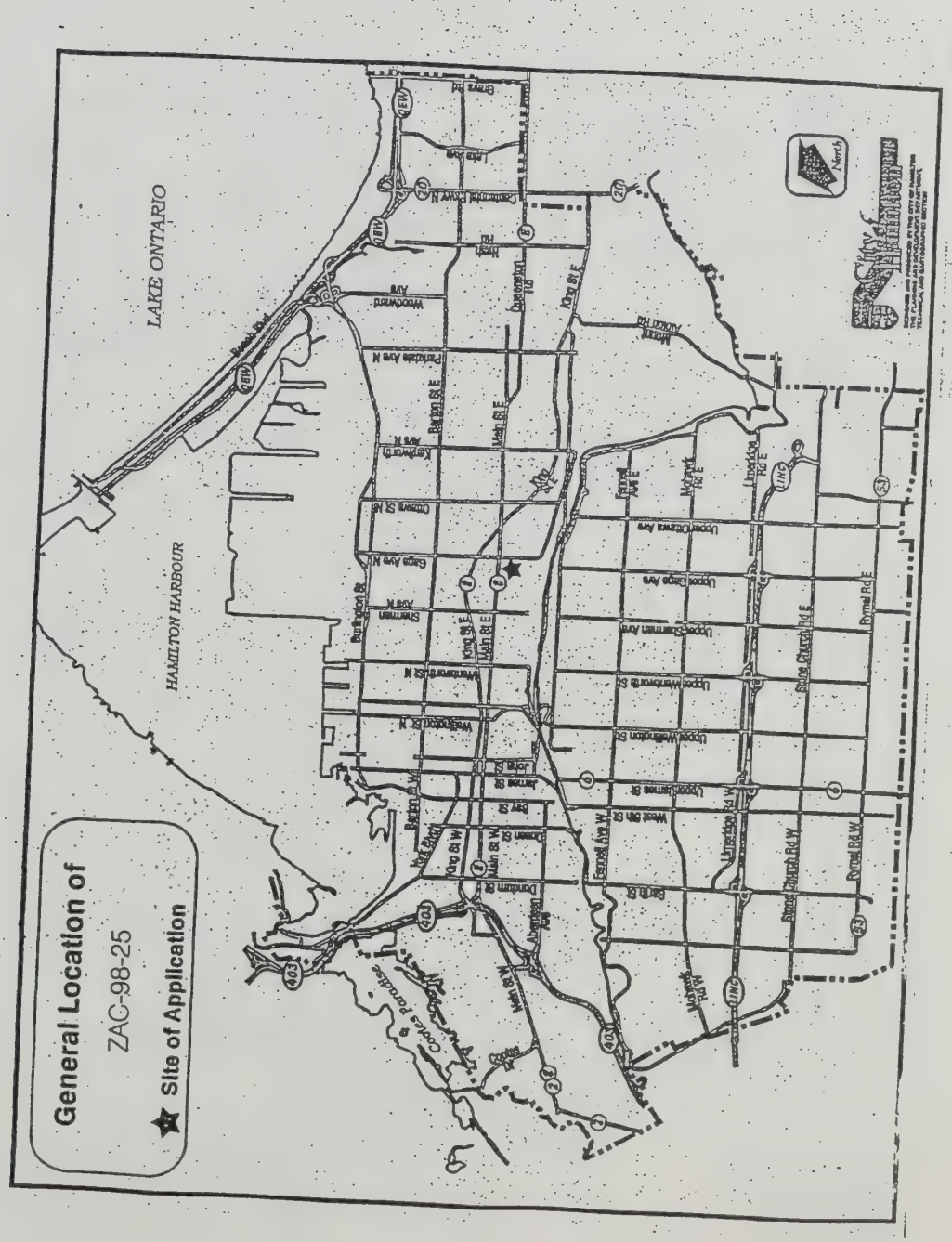
City of Hamilton

Location Map

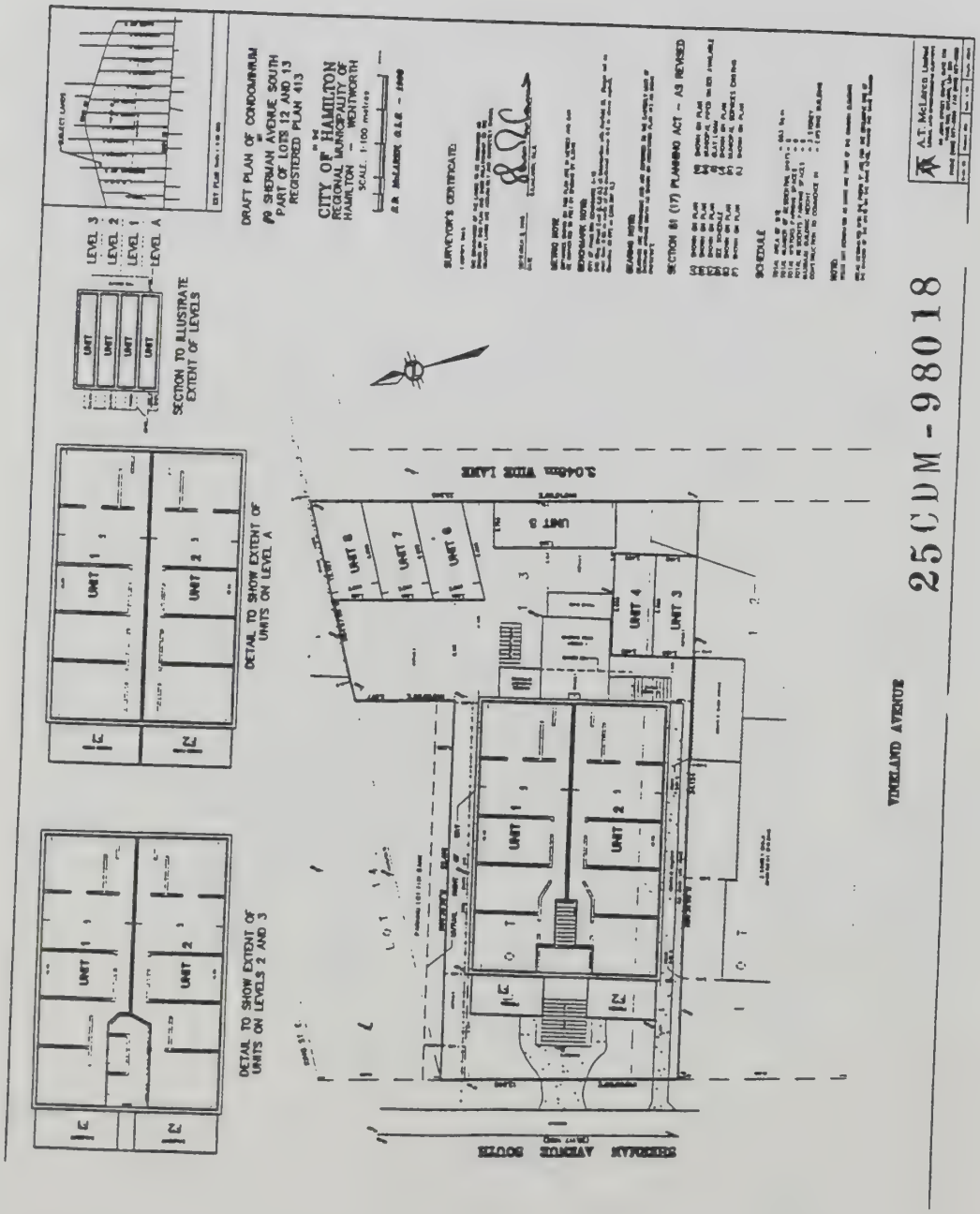
Planning and Development Department

North	Scale	Reference File number
	NOT TO SCALE	ZAC-98-25
	Date	Drawn By
	June 1998	F.A.

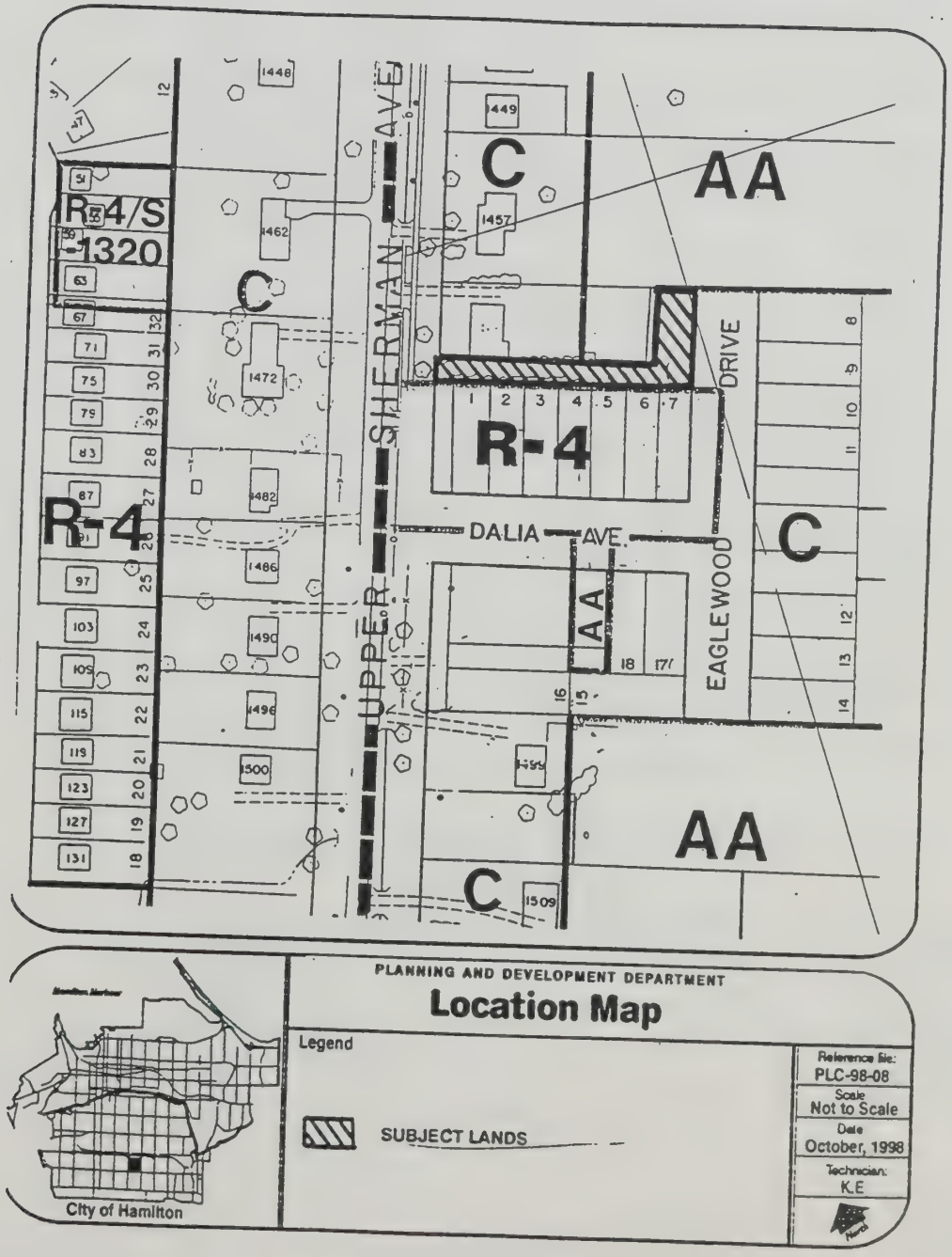
Appendix "F" as referred to in Section 7
of the Planning and Development
Committee minutes for the meeting held
1998 November 18



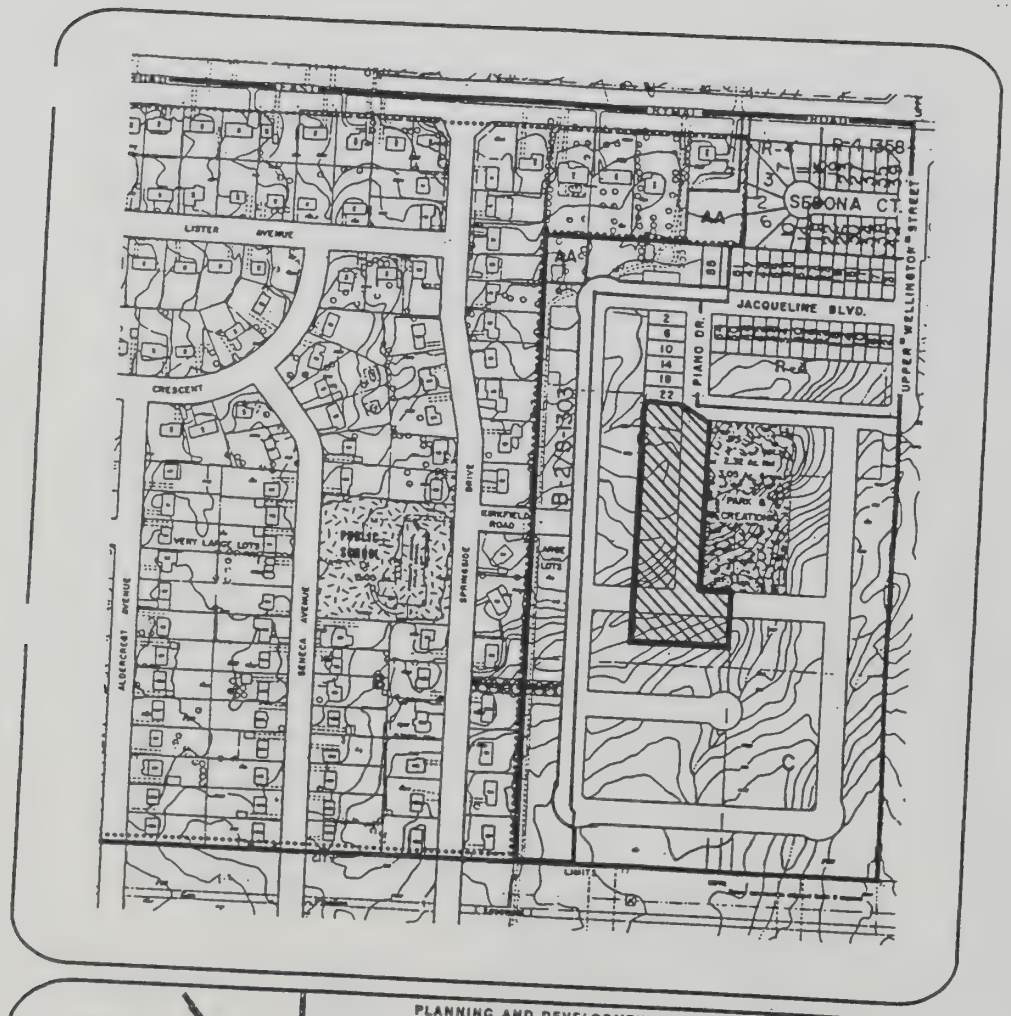
Appendix "G" as referred to in Section 9(a)
of the Planning and Development
Committee minutes for the meeting held
1998 November 18



Appendix "H" as referred to in Section 10C(i)(a)
of the Planning and Development
Committee minutes for the meeting held
1998 November 18



Appendix "I" as referred to in Section 10C(ii)(a)
of the Planning and Development
Committee minutes for the meeting held
1998 November 18



Appendix "J" as referred to in Section 4
of the Planning and Development
Committee minutes for the meeting held
1998 November 18

Amendment No. 157

to the

City of Hamilton Official Plan

The following text together with Schedule "A" – Land Use Concept, constitutes Official Plan Amendment No. 157 .

Purpose and Location:

The purpose of this Amendment is to redesignate land and water from "Special Policy Area: Windermere Basin" to "Open Space" and "Open Water", for lands and water located west of Eastport Drive, and south of Pier 25, and known as Windermere Basin.

Basis:

The basis for the redesignating the area for open space and open water uses is as follows:

1) the high visibility and accessibility of the subject area provide opportunities to improve the City's image by developing the lands for open space and low intensity cultural/recreational activities which will allow a more natural and "softer" landscape treatment;

2) there are a number of environmental considerations/constraints, which support the need to protect and enhance the environmental qualities of the area;

3) it is the last remaining open space opportunity on the south side of Hamilton Harbour;

4) the preliminary estimates indicate there is an adequate supply of land available in the City for heavy industry;

5) the area has no dockwall, therefore it is less attractive for shipping and navigation uses;

6) the location is central to a Provincial trail system including the Red Hill Creek Trail, Bruce Trail and Lake Ontario Waterfront Trail;

7) the open space uses will have less impact on nearby residential uses and will act as a buffer between the heavy industrial uses in the central Bayfront and the residential uses to the north and south; and,

8) the Basin is the mouth of the Red Hill Creek and provides an area to collect sediments from the up stream flow of the Creek.

Actual Changes:

1. Schedule "A" - Land Use Concept of the Official Plan be revised by:

   a) redesignating the subject area from "Special Policy Area: Windermere Basin" to "Open Space" and "Open Water"; and,

   b) deleting "Special Policy Area: Windermere Basin" from the legend.

2. Subsection A.2.5 – Open Water be revised by adding a new policy as follows:

   "A.2.5.4 Notwithstanding the designation of Windermere Basin as OPEN WATER and subject to policy A.2.9.3.2, the preferable uses for Windermere Basin are for aesthetic, ecological and scientific activities."

3. Delete Policy A.2.9.3.2 and replace with the following:

   "A.2.9.3.2 The following policies apply to the area designated as "Open Space" and "Open Water" on Schedule "A", and shown on Schedule "B" as SPECIAL POLICY AREA 4:

   i) In addition to the permitted uses set out in Subsection A.2.4 - Open Space Uses, a visitor centre, museum, trail centre and information centre uses will also be permitted;

   ii) It is recognized there is the potential for site contamination on the lands designated "Open Space" and accordingly, a Record of Site Condition will be required to be submitted to the Region and the Province prior to approval of any development;

   iii) An Environmental Impact Statement will be required prior to any development to evaluate the impacts of the proposal on the existing Environmentally Significant Areas and determine the impacts of encouraging habitat given present soil and water quality concerns; and,

   iv) Urban design guidelines for the area will be prepared based on the following basic principles:

a) Windermere Basin is a special area with wildlife and fish habitats. Accordingly, a minimum 9 m "landscape buffer" should be established around the entire edge Windermere Basin to enhance the wildlife and fish habitat and provide the potential for trails. The buffer could enhance the views of the area.

b) Structures should be designed with architectural interest and be enhanced by landscaping. Buildings should be sited to provide interesting views and, where possible, enhance vistas and focal points.

c) Street plantings and maintenance will add to the image of the area.

Implementation:

A Zoning By-law Amendment will give effect to the intended use of the subject lands.

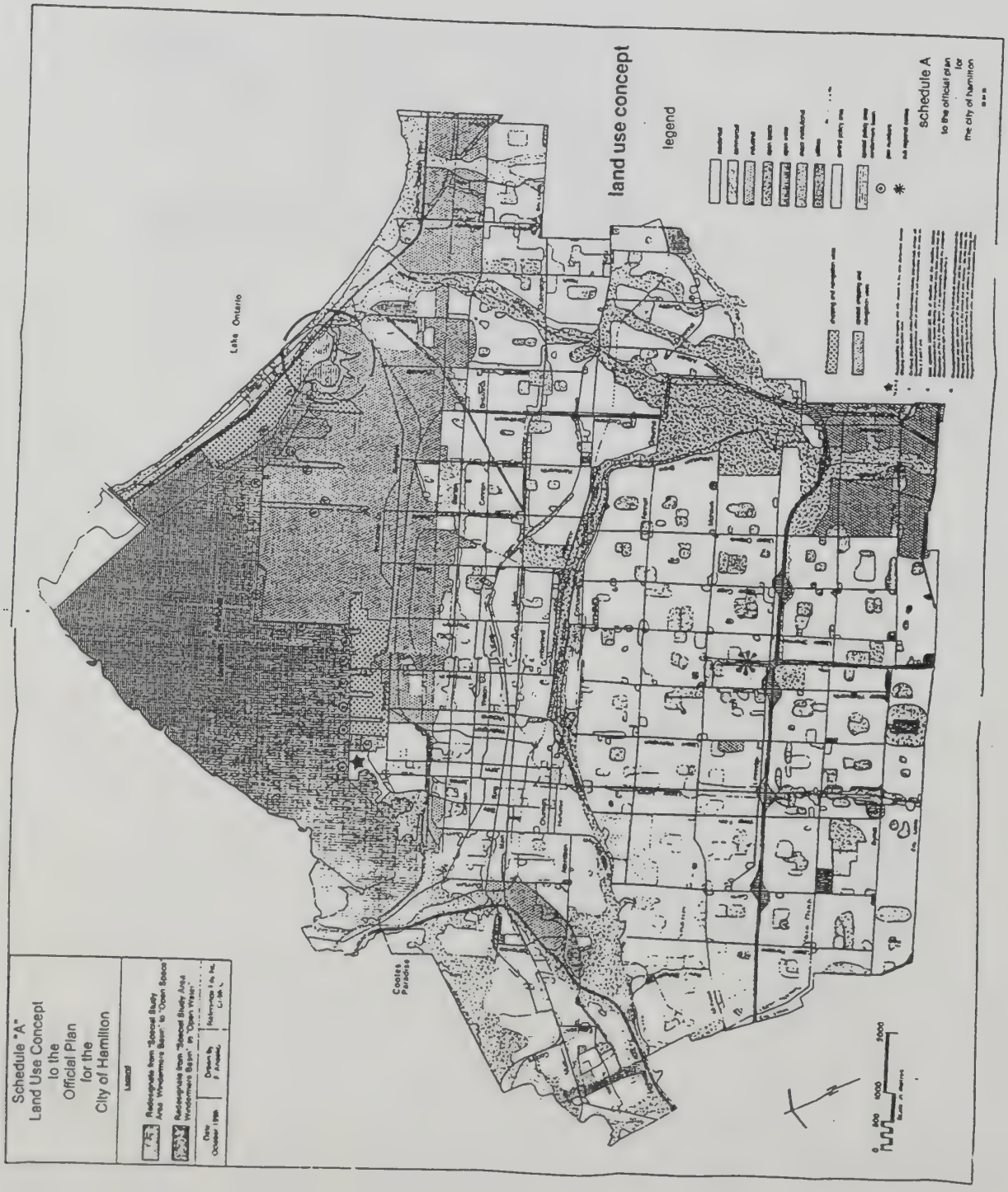
This is Schedule "1" to By-law No. 98- , passed on the 24th day of November, 1998.

The Corporation of the

City of Hamilton

_____ _____

Clerk Mayor


Schedule "A"
Land Use Concept
to the
Official Plan
for the
City of Hamilton
land use concept
legend
Schedule A
to the official plan
for
the city of hamilton
Lake Ontario
Cootes
Paradise

B(i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 November 20

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: D. Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: International Village Business Improvement Area (B.I.A.) – Revised Board of Management.

RECOMMENDATION:

That Schedule 'B' of By-law No. 86-212, as amended, appointing the International Village B.I.A. Board of Management be repealed and the following names substituted:

SCHEDULE 'B'

Paul Kircos,	223-225 King Street East (owner)
Marie Petrou	181 and 183 King Street East (owner)
Gord Thompson	186, 190, 191 King Street East (owner)
Wolfgang Schoen	255 King Street East (owner)
Joe Collura	227 King Street East, Hotelevision (tenant)
Dean Taylor	233 King Street East, Hudsons (tenant)
John S. Kenyon	239 King Street East, JSK Pawnbrokers (tenant)

Lobo

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A.

BACKGROUND:

The International Village B.I.A. held its Annual General Meeting 1998 November 18. At the meeting the B.I.A.'s general membership approved the election of members to fill vacancies on its Board of Management.

The process followed to elect vacancies on its Board of Management was in accordance with the recent changes to the Municipal Act, Section 220. The most significant change to Section 220 is that property owners of commercial/industrial properties within a B.I.A. are now members of the B.I.A. regardless of whether or not they operate a business within the property. The International Village's Board of Management represents both property owners and business tenants.

DL:HM:hm

c.c. Mary Pocius, Executive Director
International Village B.I.A.

Rand Roszell, City/Regional Solicitor
Corporate Services
Attn: Art Zuidema, Solicitor

B(ii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 November 20

REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: D. Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: International Village Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payments for 1999.

RECOMMENDATION:

a) That the 1999 operating budget for the International Village B.I.A. (attached as Appendix 'A') be approved in the amount of fifty-four thousand dollars ($54,000);

b) That the General Manager of Finance, be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220, The Municipal Act, R.S.O. 1990, to levy the 1999 budget as referenced in (1) above; and,

c) That the following schedule of payments for 1999 be approved:

January 01	$27,000
July 01	$27,000

NOTE: 1998 assessment appeals may be deducted from the 1999 levy payments.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The $54,000 is totally levied by the B.I.A. through its members. There is no cost to the City of Hamilton for any part of this operating budget.

At its Annual General Meeting held 1998 November 18, the International Village B.I.A. adopted a 1999 operating budget of $54,000.

The process followed to adopt the International Village B.I.A. 1999 budget was in accordance with the recent changes to the Municipal Act, Section 220. The most significant change to Section 220 is that property owners of commercial/industrial properties within a B.I.A. are now members of the B.I.A. regardless of whether or not they operate a business within the property. The above is due to the elimination of the former business occupancy tax and the fact that all municipal tax bills will take the form of property taxes and the B.I.A. levy is now deemed to be a tax on property and collected from property owners.

DL:HM:hm

c.c. Mary Pocius, Executive Director
International Village B.I.A.

Alan Ross, General Manager
Finance Department
Attn: Larry Friday, Supervisor of Tax Administration/Banking

APPENDIX 'A'

Hamilton's
INTERNATIONAL
Village

King Street East
between Wellington
and Mary

Approved Operating Budget 1999

OPERATIONS:

Rent	$2,000.00	
Utilities	2,300.00	
Telephone/FAX	2,000.00	
Office Supplies	1,500.00	
Equipment Repair	500.00	
Bank Charges	250.00	$8,550.00

WAGES:

Executive Director	$30,000.00	
Wage Costs	3,300.00	$33,000.00

Insurance	$1,400.00	
Audit Fees	400.00	
Printing, Postage	2,000.00	
Advertising, Promotion	5,000.00	$8,800.00
Contingency Fund		$3,650.00
TOTAL BUDGET		$54,000.00

C1)

CITY OF HAMILTON

- RECOMMENDATION -

NOV 1 _ 1998

DATE: 1998 November 17

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
18 Hixon Street - Tag Number 98-130791
(98.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 18 Hixon Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C (Map E-76)

PRESENT USE: Vacant Single Family Dwelling

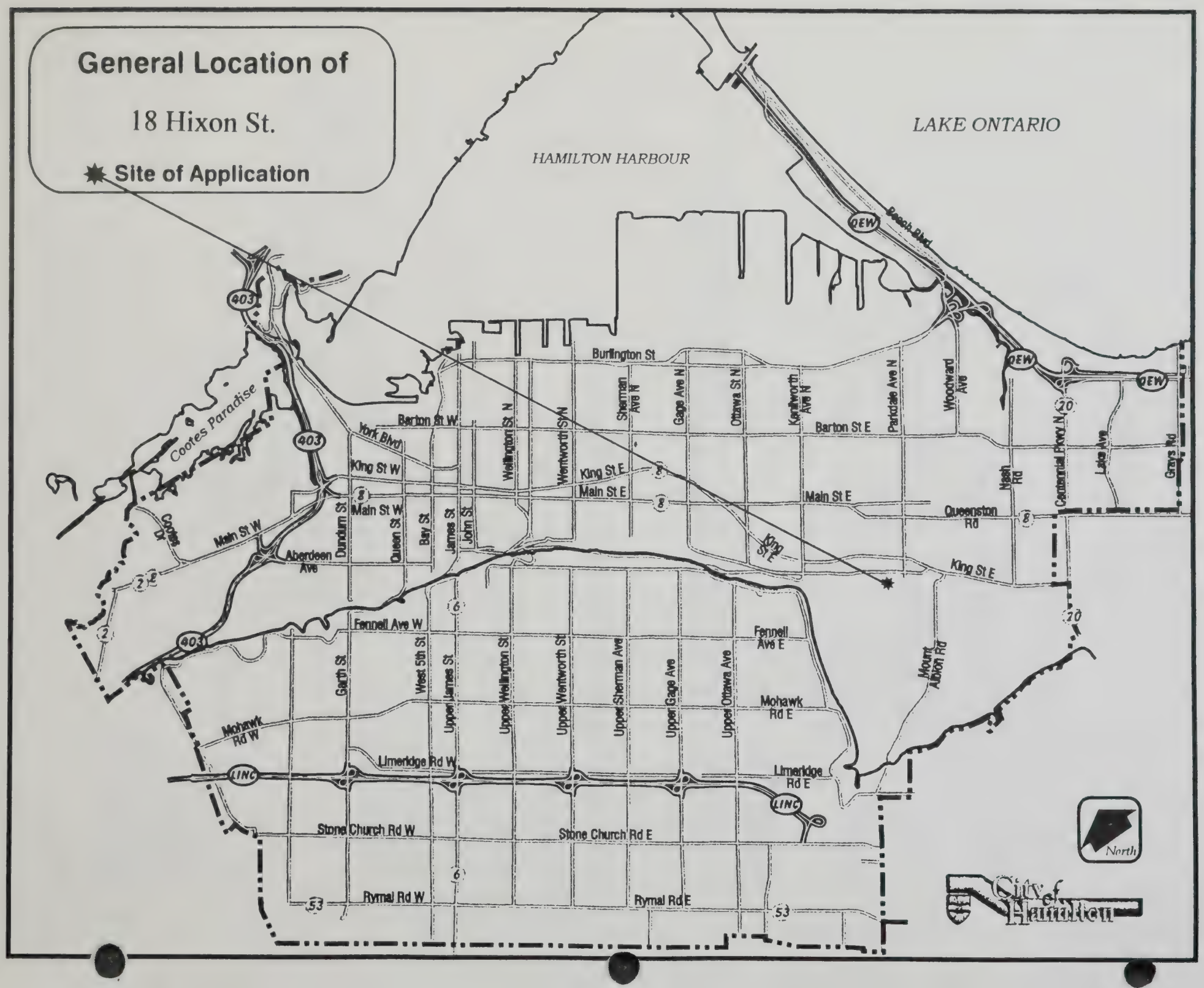
PROPOSED USE: Vacant

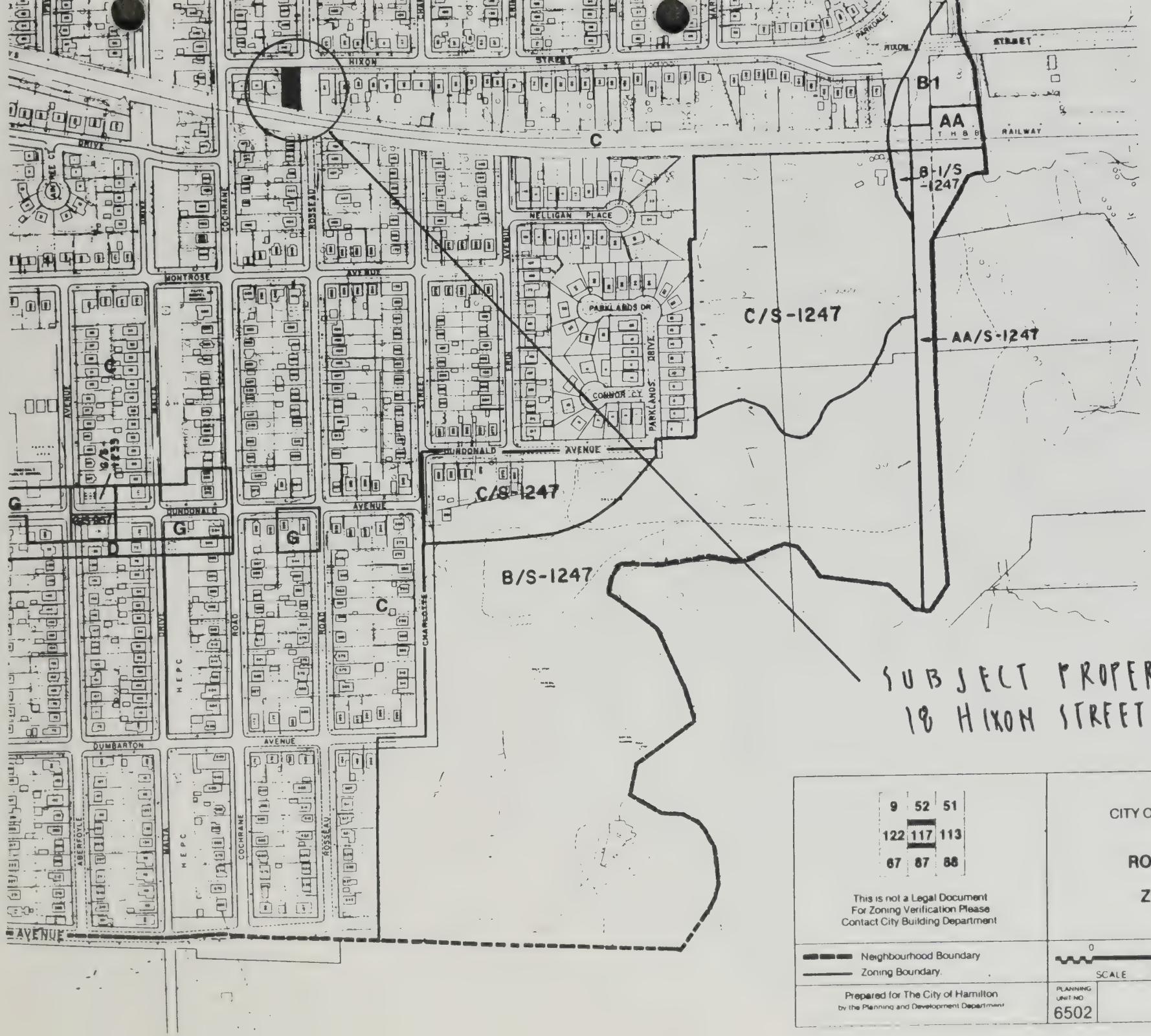
BRIEF DESCRIPTION: The owner proposes to demolish the 2-storey deteriorated single family dwelling and leave the land vacant at this time. This property is located in the "Rosedale" Neighbourhood (please see attached neighbourhood map and city overview map) and is located in Ward 4. No LACAC interest. Lot size 25.34m x 35.12m.

The owner of the property and applicant as per the demolition permit is:

Lloyd Bush
12 Hixon Street
Hamilton, Ontario
L8K 2B7

FP/zr


General Location of
18 Hixon St.
Site of Application
LAKE ONTARIO
HAMILTON HARBOUR
QEW
Beach Blvd
403
Burlington St
Barton St W
Barton St E
York Blvd
King St W
King St E
Main St W
Main St E
Cootes Paradise
Cootes Dr
Aberdeen Ave
Dundurm St
Queen St
Bay St
James St
John St
Wellington St N
Wentworth St N
Sherman Ave N
Gage Ave N
Ottawa St N
Kenilworth Ave N
Parkdale Ave N
Woodward Ave
Queenston Rd
Centennial Pkwy N
Lake Ave
Gray's Rd
Nash Rd
Fennell Ave W
Fennell Ave E
Garth St
West 5th St
Upper James St
Upper Wellington St
Upper Wentworth St
Upper Sherman Ave
Upper Gage Ave
Upper Ottawa Ave
Mount Albion Rd
Mohawk Rd W
Mohawk Rd E
Limeridge Rd W
Limeridge Rd E
LINC
Stone Church Rd W
Stone Church Rd E
Rymal Rd W
Rymal Rd E
North
City of Hamilton


HIXON STREET
B1
AA
RAILWAY
C
B-1/S-1247
NELLIGAN PLACE
PARKLANDS DR
CONNOR CT
PARKLANDS DRIVE
C/S-1247
AA/S-1247
MONTROSE AVENUE
DUNDONALD AVENUE
C/S-1247
B/S-1247
G
D
C
DUMBARTON AVENUE
HEPC
SUBJECT PROPERTY
18 HIXON STREET
9 52 51
122 117 113
67 87 88
This is not a Legal Document
For Zoning Verification Please
Contact City Building Department
Neighbourhood Boundary
Zoning Boundary
Prepared for The City of Hamilton
by the Planning and Development Department
CITY OF HAMILTON
ROSEDALE
ZONING
0 100m
SCALE 50m
NORTH
PLANNING UNIT NO
6502
PAGE NO
117

(11)

CITY OF HAMILTON

- RECOMMENDATION -

NOV 1 1998

DATE: 1998 November 17

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
62 Wentworth Street North - Tag Number 98-131053
(98.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 62 Wentworth Street North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

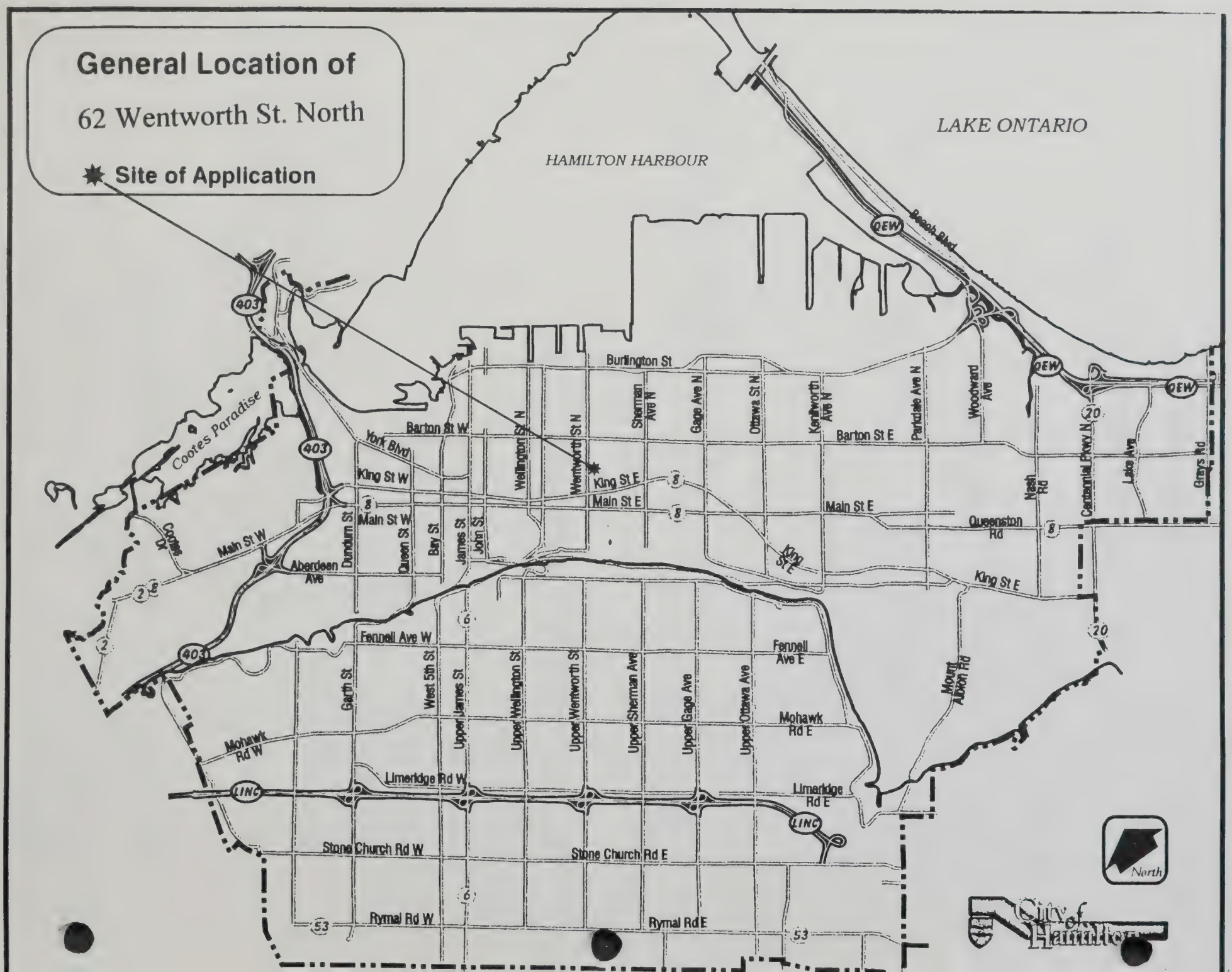
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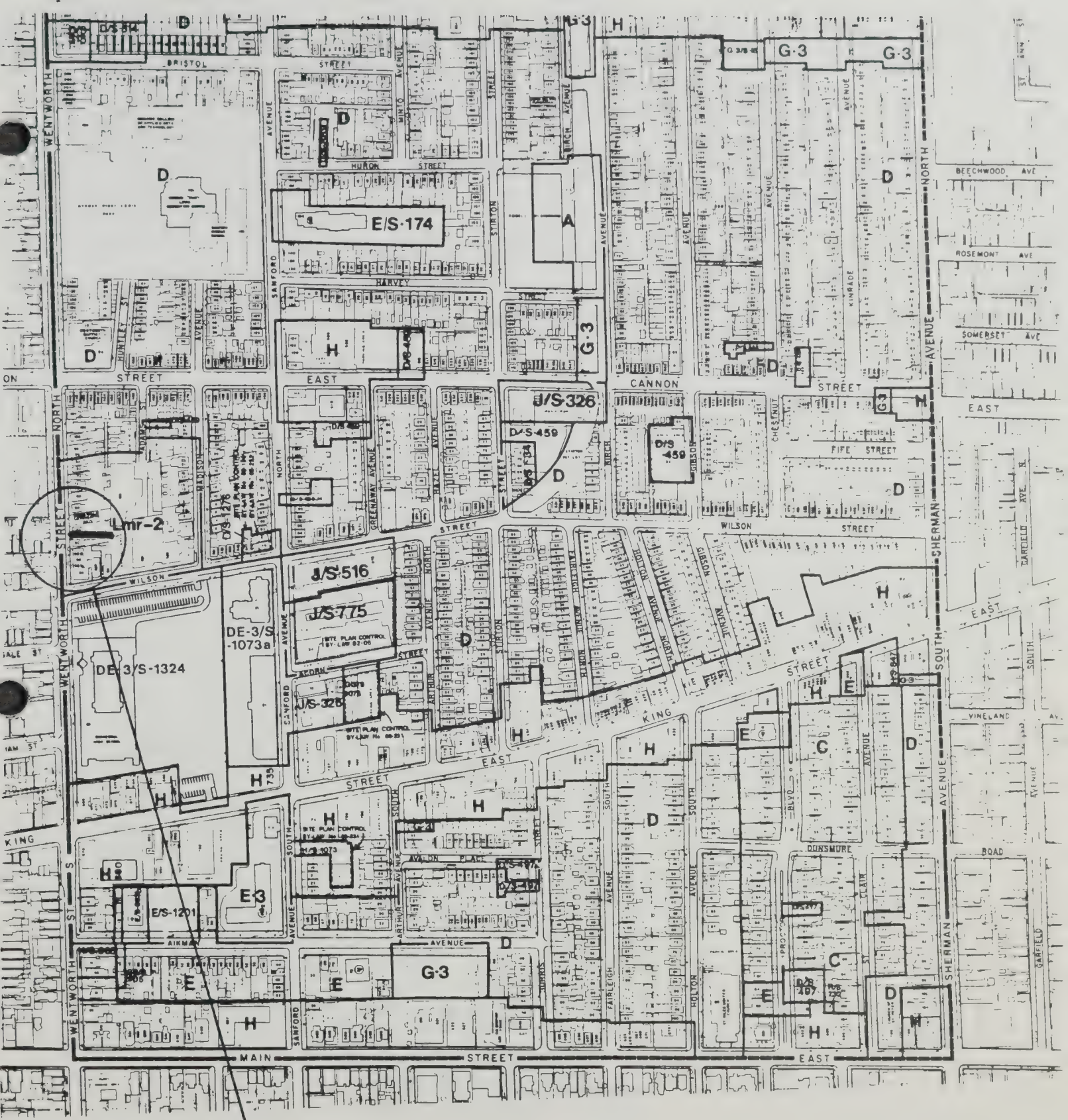
PRESENT ZONING:	L-mr-2 (Map E-22)
PRESENT USE:	Single Family Dwelling
PROPOSED USE:	Vacant Land
BRIEF DESCRIPTION:	The owner proposes to demolish the existing deteriorated 2-storey insulbrick single family dwelling and leave the land vacant at this time. This property is located in the "Gibson" Neighbourhood (please see attached neighbourhood map and city overview map) and is located in Ward 3. No LACAC interest. Lot size 4.34m x 39.17m.

The owner of the property and applicant as per the demolition permit is:

The Church of God of Prophecy of Canada
64 ½ Wentworth Street North
Hamilton, Ontario
L8L 5V4

FP/zr


General Location of
62 Wentworth St. North
Site of Application
LAKE ONTARIO
HAMILTON HARBOUR
QEW
Beach Blvd
403
Burlington St
Barton St W
Barton St E
York Blvd
King St W
King St E
Main St W
Main St E
Aberdeen Ave
Dundurn St
Queen St
Bay St
James St
John St
Wellington St N
Wentworth St N
Sherman Ave N
Gage Ave N
Ottawa St N
Kenilworth Ave N
Parkdale Ave N
Woodward Ave
Centennial Pkwy N
Nash Rd
Lake Ave
Grays Rd
Queenston Rd
Cootes Paradise
Cootes Dr
Main St W
Fennell Ave W
Fennell Ave E
Garth St
West 5th St
Upper James St
Upper Wellington St
Upper Wentworth St
Upper Sherman Ave
Upper Gage Ave
Upper Ottawa Ave
Mount Albion Rd
Mohawk Rd W
Mohawk Rd E
Limeridge Rd W
Limeridge Rd E
LINC
Stone Church Rd W
Stone Church Rd E
Rymal Rd W
Rymal Rd E
North
City of Hamilton



SUBJECT PROPERTY
62 WENTWORTH ST. NORTH.

69	70	71
95	48	126
125	124	12

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CITY OF

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C iii)

CITY OF HAMILTON

- RECOMMENDATION -

NOV 1 1998

DATE: 1998 November 17

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
64 Wentworth Street North - Tag Number 98-131054
(98.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 64 Wentworth Street North in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

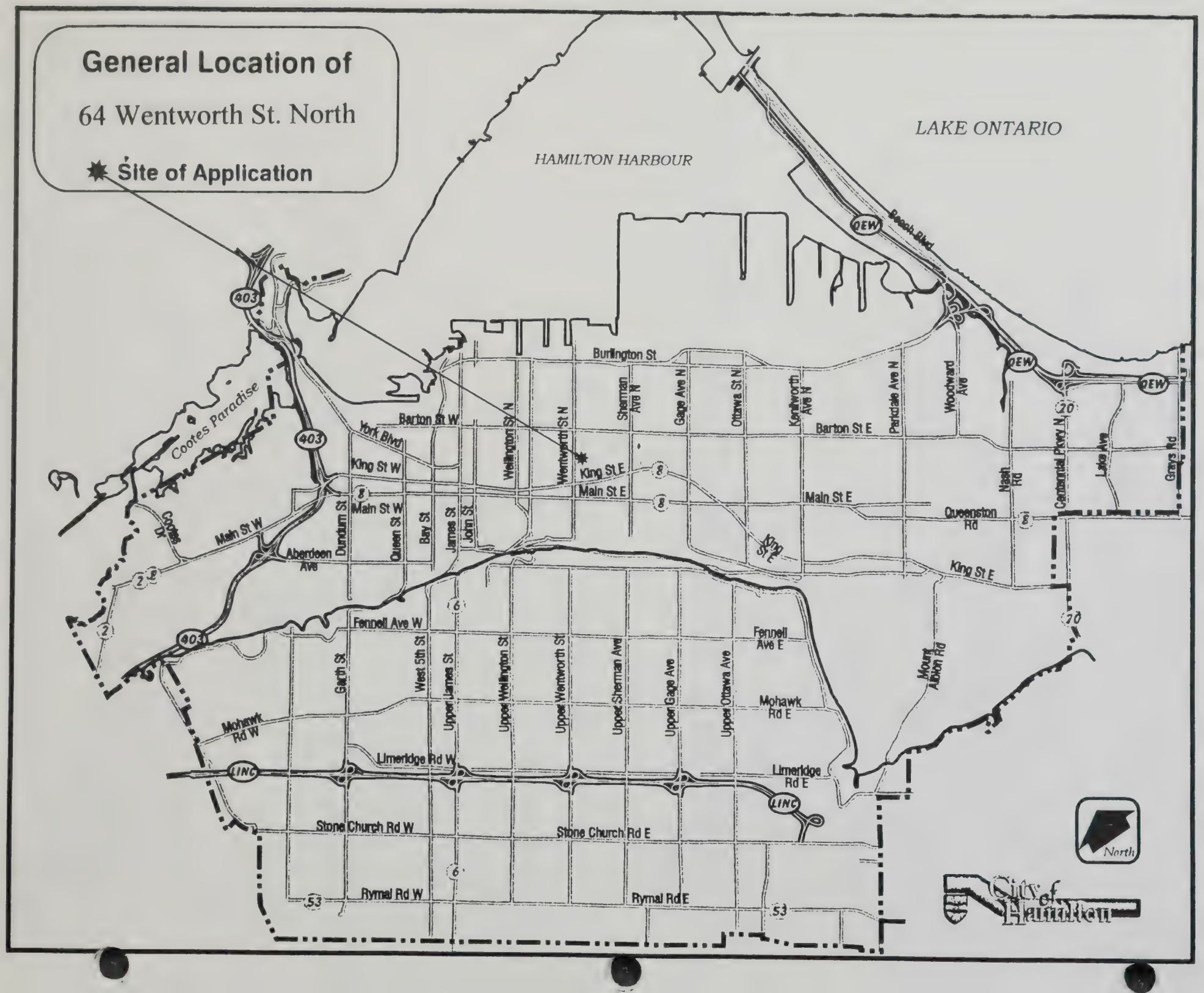
BACKGROUND:

PRESENT ZONING:	L-mr-2 (Map E-22)
PRESENT USE:	Single Family Dwelling
PROPOSED USE:	Vacant Land
BRIEF DESCRIPTION:	The owner proposes to demolish the existing deteriorated 2-storey insulbrick single family dwelling and leave the land vacant at this time. This property is located in the "Gibson" Neighbourhood (please see attached neighbourhood map and city overview map) and is located in Ward 3. No LACAC interest. Lot size 5.41m x 39.73m.

The owner of the property and applicant as per the demolition permit is:

The Church of God of Prophecy of Canada
64 ½ Wentworth Street North
Hamilton, Ontario
L8L 5V4

FP/zr


General Location of
64 Wentworth St. North
Site of Application
LAKE ONTARIO
HAMILTON HARBOUR
QEW
Beach Blvd
403
Cootes Paradise
Burlington St
Barton St W
Barton St E
York Blvd
King St W
King St E
Main St W
Main St E
Wellington St N
Wentworth St N
Sherman Ave N
Gage Ave N
Ottawa St N
Kenilworth Ave N
Parkdale Ave N
Woodward Ave
Centennial Pkwy N
Nash Rd
Lake Ave
Grays Rd
Queenston Rd
Cootes Dr
Aberdeen Ave
Dundurn St
Queen St N
Bay St
James St N
John St
Fennell Ave W
Fennell Ave E
Garth St
West 5th St
Upper James St
Upper Wellington St
Upper Wentworth St
Upper Sherman Ave
Upper Gage Ave
Upper Ottawa Ave
Mount Albion Rd
Mohawk Rd W
Mohawk Rd E
Limeridge Rd W
Limeridge Rd E
LINC
Stone Church Rd W
Stone Church Rd E
Rymal Rd W
Rymal Rd E
North
City of Hamilton


SUBJECT PROPERTY
64 WENTWORTH ST. NORTH.
mr-2
E/S-174
J/S-326
J/S-516
J/S-775
J/S-328
DE-3/S-1324
DE-3/S-1073a
E/S-1201
G-3
WENTWORTH ST. NORTH
WILSON STREET
CANNON STREET
EAST
KING STREET
MAIN STREET
SHERMAN AVENUE
69 70 71
95 48 126
125 124 12
This is not a Legal Document
CITY OF

(iv)

CITY OF HAMILTON

- RECOMMENDATION -

NOV 1 1998

DATE: 1998 November 17

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
50 Glassco Avenue South - Tag Number 98-131061
(98.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 50 Glassco Avenue South in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

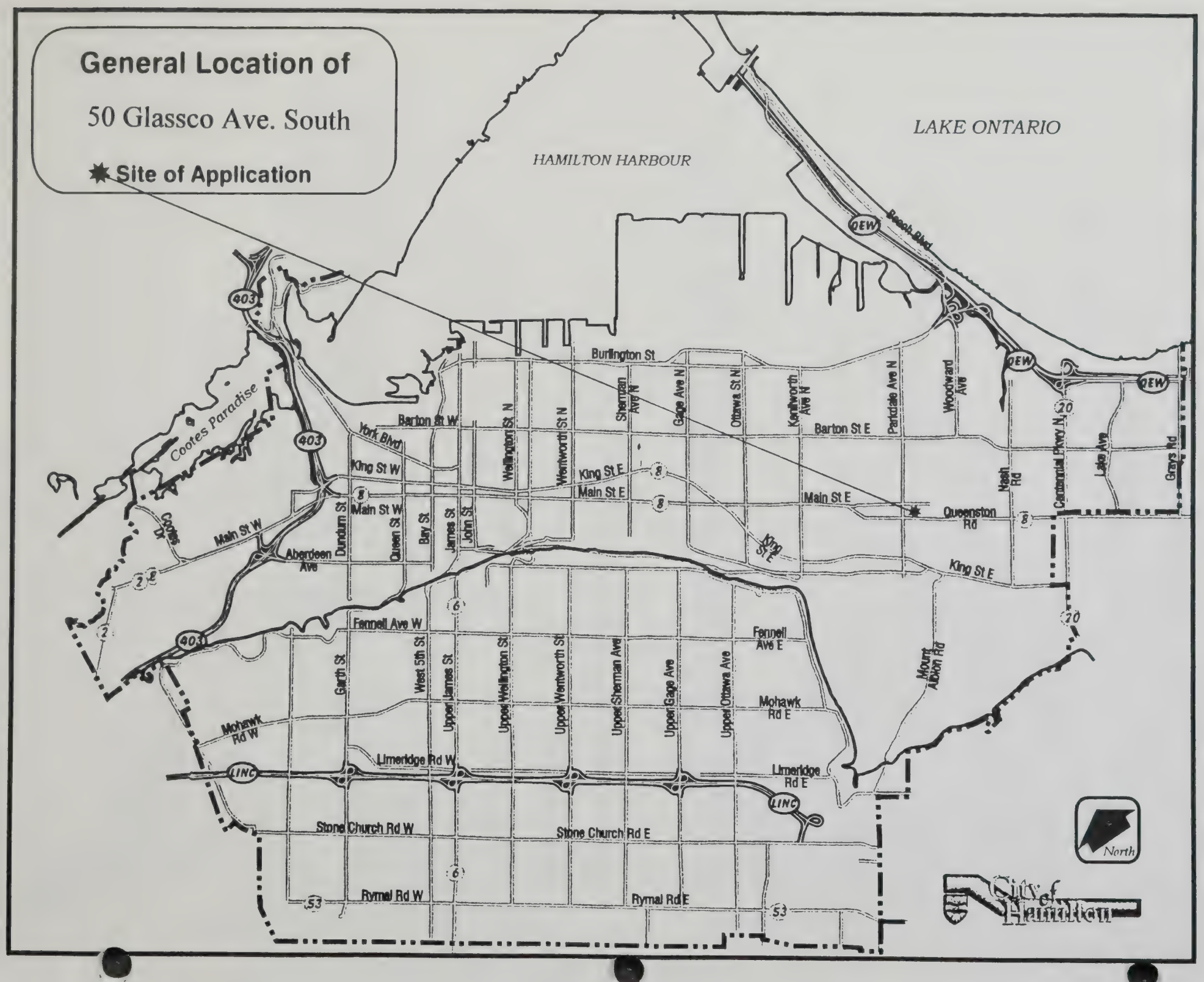
BACKGROUND:

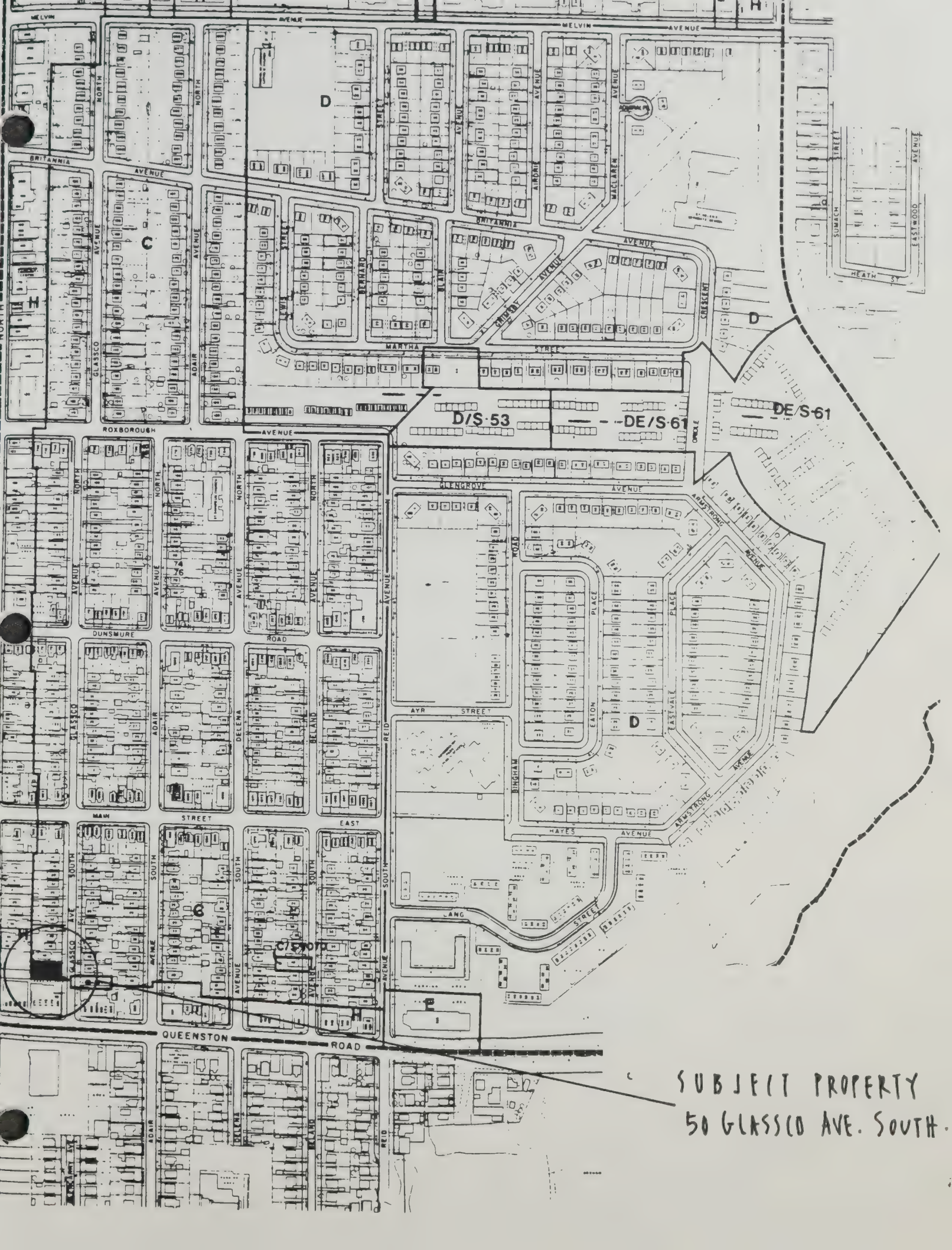
PRESENT ZONING:	C and G-3 (Map E-85)
PRESENT USE:	Single Family Dwelling
PROPOSED USE:	Vacant Land
BRIEF DESCRIPTION:	The owner proposes to demolish the existing 1-storey single family dwelling and leave the land vacant at this time. This property is located in the "McQuesten West" Neighbourhood (please see attached neighbourhood map and city overview map) and is located in Ward 4. No LACAC interest. Lot size 20.42m x 32.0m.

The owner of the property and applicant as per the demolition permit is:

Cardal Developments
271 Queenston Road
Hamilton, Ontario
L8K 1G9

FP/zr


General Location of
50 Glassco Ave. South
Site of Application
LAKE ONTARIO
HAMILTON HARBOUR
Beach Blvd
QEW
403
Cootes Paradise
Burlington St
Barton St W
Barton St E
York Blvd
King St W
King St E
Main St W
Main St E
Queenston Rd
Aberdeen Ave
Dundurn St
Queen St
Bay St
James St
John St
Wellington St N
Wentworth St N
Sherman Ave N
Gage Ave N
Ottawa St N
Kenilworth Ave N
Parkdale Ave N
Woodward Ave
Centennial Pkwy N
Nash Rd
Lake Ave
Grays Rd
Cootes Dr
Fennell Ave W
Fennell Ave E
Garth St
West 5th St
Upper James St
Upper Wellington St
Upper Wentworth St
Upper Sherman Ave
Upper Gage Ave
Upper Ottawa Ave
Mount Albion Rd
Mohawk Rd W
Mohawk Rd E
LINC
Limeridge Rd W
Limeridge Rd E
Stone Church Rd W
Stone Church Rd E
Rymal Rd W
Rymal Rd E
North
City of Hamilton


D/S-53
DE/S-61
DE/S-61
SUBJECT PROPERTY
50 GLASSCO AVE. SOUTH.
QUEENSTON ROAD
MAIN STREET
DUNSMURE ROAD
ROXBOROUGH AVENUE
MELVIN AVENUE
BRITANNIA AVENUE
MARTHA STREET
GLENGROVE AVENUE
AYR STREET
HAYES AVENUE
LANG STREET
GLASSCO AVENUE SOUTH
ADAIR AVENUE SOUTH
DELENA AVENUE SOUTH
BELAND AVENUE SOUTH
REID AVENUE SOUTH
EASTVALE PLACE
ARMSTRONG AVENUE
EATON PLACE
BINGHAM ROAD
MACLAREN AVENUE
AIRDRIE AVENUE
BERNARD STREET
BLAIN AVENUE
CRESCENT
SUMACH STREET
HEATH AVENUE

D i)

CITY OF HAMILTON

- RECOMMENDATION –

DATE: 1998 November 23
(CI-98-E)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

SUBJECT: Review of Landscape Regulations and Design Standards for commercial developments.

RECOMMENDATION:

That staff be directed to schedule a Public Meeting for consideration of City Initiative CI-98-E, to provide for a general text amendment to Zoning By-law No. 6593, by introducing new regulations for landscaping and parking areas related to commercial developments, on the following basis:

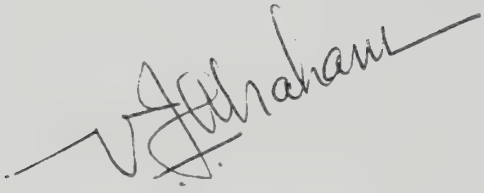
i) That Section 18 of By-law No. 6593 be amended by adding the following new section:

Landscape Requirements for Commercial Uses

18 (16) Notwithstanding any other provision of this By-law, the following shall apply to any commercial use:

(a) A planting strip of not less than 1.5 metres in width shall be provided and maintained along every side lot line and rear lot line adjoining a residential district or use, except for the area used for access driveway, and;

(b) Where any parking space or manoeuvring space is adjacent to a street line, a landscaped area having a minimum average width of 2.0 metres, but not less than 1.0 metres in width, shall be provided and maintained along the entire street line except for the area used for access driveway.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Planning Act requires Council to hold at least one Public Meeting to consider a zoning By-Law amendment.

BACKGROUND:

At its meeting of June 24, 1998, the Planning and Development Committee directed staff to prepare a report addressing site plan requirements for landscaping and cosmetic enhancements to parking lots related to commercial uses. The Committee expressed concerns related to conversions and demolished sites, primarily in the "H" Districts, for redevelopment of commercial retail facilities, without regard to landscaping, buffering or site aesthetics.

PROBLEM:

Attached are photographs included in Appendix "A", and a site plan shown as Appendix "B", illustrating the typical appearance of a newly redeveloped site where previous service or gas station facilities have been demolished and an alternate use proposed in the form of convenience or retail stores, or small restaurants. The primary results of the new projects have been to provide a functional building and often pave the entire remainder of the site, including portions of the road allowance, up to the public sidewalk or curb. Previous driveway approaches used by the gas station site are usually retained with no changes or replacement of unnecessary ramps.

Any designated parking areas are usually lined in front of the building and accessible from the numerous approaches from the street. Manoeuvring and driveway areas are adjacent to the municipal sidewalks and often have no curb, wheel stop or separation features to provide pedestrian protection from vehicles backing up or manoeuvring from the parking spaces.

Any landscape treatment existing or provided in relation to these parking areas appears to be by accident, rather than by design. Usually any established street trees are the only landscape feature, which enhances the site.

In addition, it appears there is little regard for providing any buffer areas in the form of landscape plantings in side or rear yards adjacent to residential districts or uses. These areas are usually asphalt surfaced from building to lot line and become a storage area or garbage collection area. These activities or areas negatively impact the adjacent properties.

It is anticipated that more such sites will be redeveloped, altered, or their uses expanded to address the flexible market conditions. Typically, with little or no regard to buffering or aesthetics, parking areas will be visually obtrusive and create a negative impact on adjoining lands and the streetscapes.

On June 30, 1998, By-law No. 98-173 was passed by City Council, which placed various zoning districts, including "H" District under Site Plan Control. Although this requires redevelopment proposals to obtain City approval, there are no zoning regulations providing either minimum landscape requirements or setback of parking spaces, manoeuvring areas and driveways from street lot lines for the commercial zoning districts. Similarly, "G", "G-1", "G-2", "G-4", "HH", "HI", "I", "CR-1", "CR-2" and "CR-3" Districts contain no provisions for landscaping. Accordingly, By-law regulations to require landscape areas and setbacks in these instances would be appropriate.

CITY OF HAMILTON POLICY AND REGULATIONS:

OFFICIAL PLAN:

The City of Hamilton Official Plan recognizes the importance of public and private parking facilities and states in Subsection B.3.3:

"3.3.4 Council will require that, in all normal circumstances, a high standard will be maintained in accordance with current design practices for Parking and Loading facilities.

3.3.6 Where necessary and feasible, off street parking, driveways, and/or loading areas adjacent to Residential Uses will be suitably screened or buffered through the use of fences, berms or other appropriate landscape treatment. All parking areas will be suitably surfaced to resist degradation from the elements or use and where deemed appropriate, be illuminated to facilitate and ensure the safety and convenience of pedestrian or vehicular access to the land uses served thereby."

ZONING REGULATIONS:

Section 13C of the Zoning By-law related to Public Parking Lots provides the following requirements:

> "13C (4) (l) A landscape area having a minimum average width of 2.0 metres (6.56 feet) but not less than 1.0 metres (3.28 feet) in width, shall be provided and maintained along the entire street line of the lot, except for the area used for access driveways."

Section 18A of the Zoning By-law has regulations that require buffering to mitigate the potential negative spill over effects (e.g. noise, headlight glare) of parking areas / lots when they abut a residential district. The regulation requires that where five (5) or more parking spaces are provided for residential, institutional, public or commercial uses on a lot adjoining a residential district, a minimum 1.5 metre landscape strip and a visual barrier 1.2 – 2.0 metres high, is to be provided and maintained between the boundary of the parking / loading area and the adjoining residential district.

Section 18A (36) of the Zoning By-law pertains to regulations related to restaurants in the "H" District and includes the following requirement:

> "18A(36) A landscape area for the parking area referred to in clause (a) of not less than 1.5 metres (4.92 feet) in width along and within every side lot line and front lot line that abuts a highway and any public right-of-way."

INFORMATION OBTAINED FROM OTHER MUNICIPALITIES:

Kitchener

General by-law provisions require that all parking areas and driveway aisles be located a minimum of 3.0m from any street lines. The parking areas and driveways located in side or rear yards adjacent to residential districts requires a visual barrier which can be composed of either fencing, landscape screening, berming or combination of these. Site specific considerations are reviewed through the Site Plan Control processing.

Scarborough

A number of the commercial zones (MC, MDC, HC) have a by-law requirement that where lands are not covered by buildings, the lands shall be landscaped to a depth of not less than 6.0m from the abutting street lines.

Otherwise developments are reviewed through the Site Plan Control process and in accordance with Urban Design Guidelines dealing with specific needs.

Burlington
A requirement for landscaping regulates the location of the parking area of commercial developments adjacent to the street. A 3.0m wide landscape strip must be provided where the actual or deemed width of the street is less than 26.2m (86 ft.) or 9.0m where the street is 26.2m (86 ft.) or greater.

Where the boundary of the commercial zone adjoins a residential zone, a planting strip of 3.0m is required.

Milton
All parking areas require a minimum .9m distance to any street line.

Cambridge
Parking areas require a minimum distance of 3.0m from the street line.

St. Catharines
Generally, where parking areas abut a residential district, a 3.0m wide landscape area is required. The processing of developments through Site Plan Control provides site specific needs in relation to buffering requirements.

Etobicoke
Through the Site Plan Control process, consideration is given to limiting the exposure of parking areas to the street in favour of placing the buildings in close proximity to the street line.

COMMENTS:

As previously noted, the Zoning By-law requirements of Section 13 for Public Parking Lots, and Section 18A(36) related to restaurants in "H" Districts, provide certain regulations for landscape requirements for parking areas adjacent to municipal right-of-ways. With these exceptions, there are generally no setback or landscape requirements for parking areas related to commercial developments located adjacent to municipal street property lines. In addition there are no general landscape requirements or planting strip requirements in any side or rear yard areas adjacent to residential districts or uses. Although the problem of unattractive sites has been identified on some sites zoned "H" District, the same situation occurs in other commercial zones.

From an urban design perspective and a safety viewpoint, the principle of requiring setbacks and landscape treatment as a buffer to parking areas adjacent to municipal streets and pedestrian movement and activities, and landscape requirements in side and rear yards adjacent to a residential use or district, has merit. Potentially, such requirements could provide significant aesthetic benefits with respect to neighbourhood improvements, streetscape enhancement, beautification, and to ensure pedestrian safety where parking areas are developed.

The attached plan marked as Appendix "B" provides a site plan of a typical development complying with existing regulations. Appendix "C" illustrates a conceptual design, which could incorporate landscape areas and setbacks from the street line and enhancement of the road allowance area, and planting strips in the side and rear yard areas. The proposed landscape requirement is the same regulation presently in effect for Public Parking areas (i.e. an average width of 2.0 metres (6.56 feet) but not less than 1.0 metres (3.28 feet) in width). For the commercial uses it is proposed that this requirement will occur only where parking is proposed adjacent to municipal road allowances or rights-of-way. In some instances, the building is located adjacent to the street or a wider sidewalk area is desirable. In these situations, the landscape or planting strip would not be required. In the side or rear yard areas, again where buildings, structures or accessory structures are located, a planting strip of a minimum 1.5 metres in width would establish a minimum landscape buffer treatment adjacent to residential use or districts. This requirement is consistent with present regulations in situations where parking spaces are located adjacent to residential use or districts.

Therefore, in order to implement community objectives such as the preservation / enhancement of streetscape and compatibility with surrounding land uses, it would be appropriate to provide these landscape regulations for commercial developments located adjacent to municipal road allowances / right-of-ways and adjacent to a residential use or district.

This report has been prepared in conjunction with the Building Department, Traffic Division of the Public Works and Traffic Department and the Regional Environment Department. The various departments concur with the recommendations.

CONCLUSION:

In accordance with the requirements of the Planning Act, a Public Meeting should be scheduled to provide input to the proposed new regulations respecting landscape requirements for commercial districts.

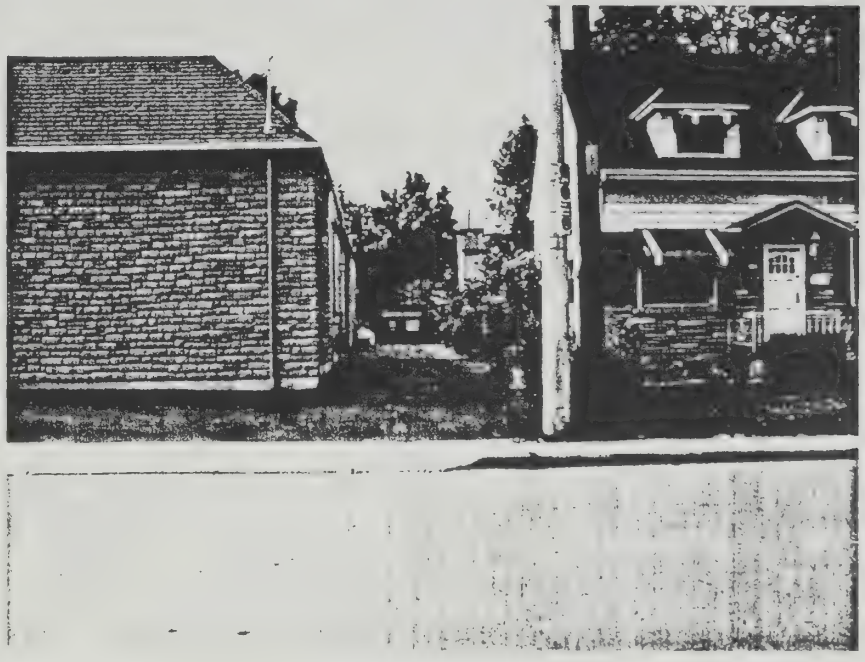
Cc: Len King, Building Department

Jps/cl98park3/nov23.....RPT

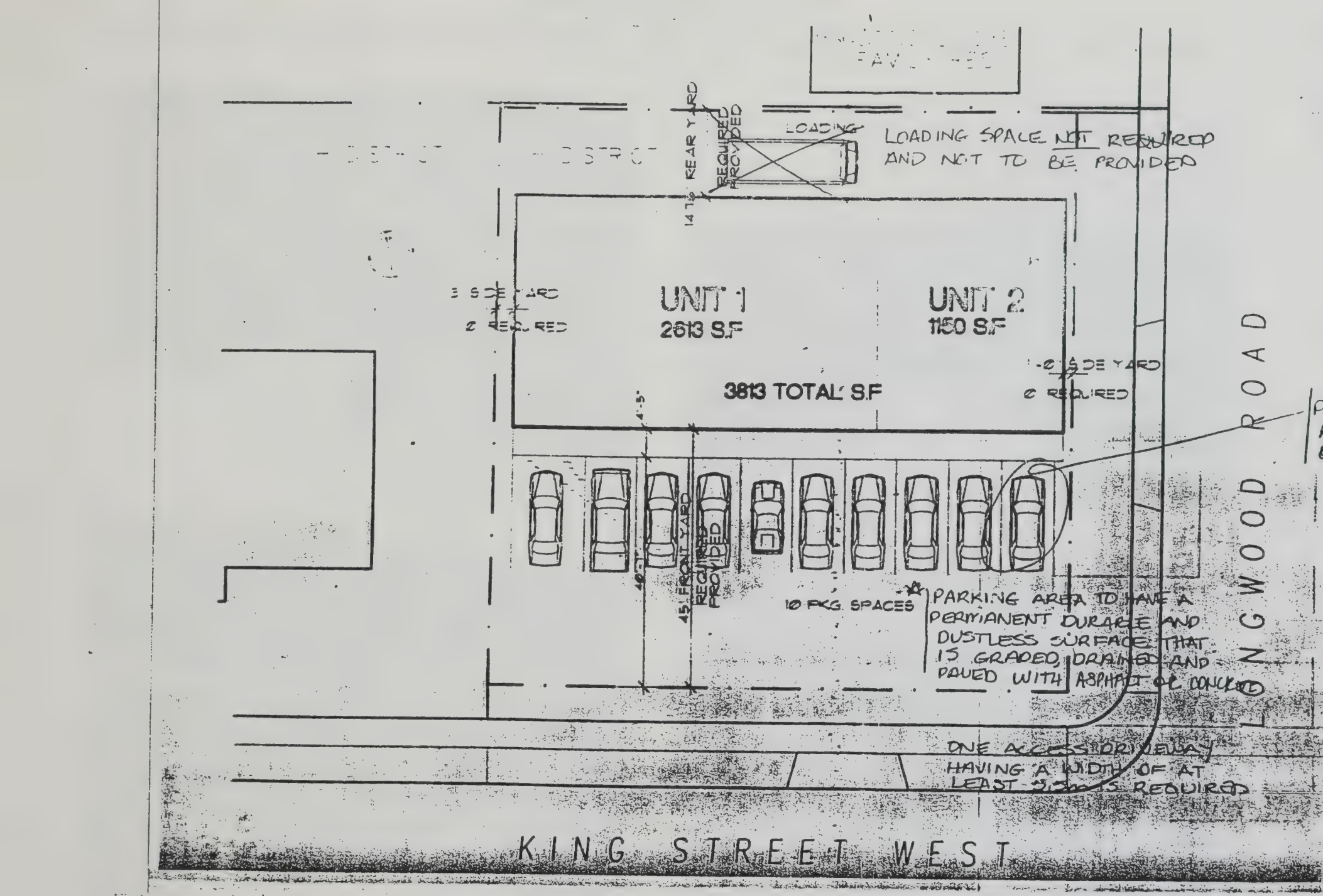








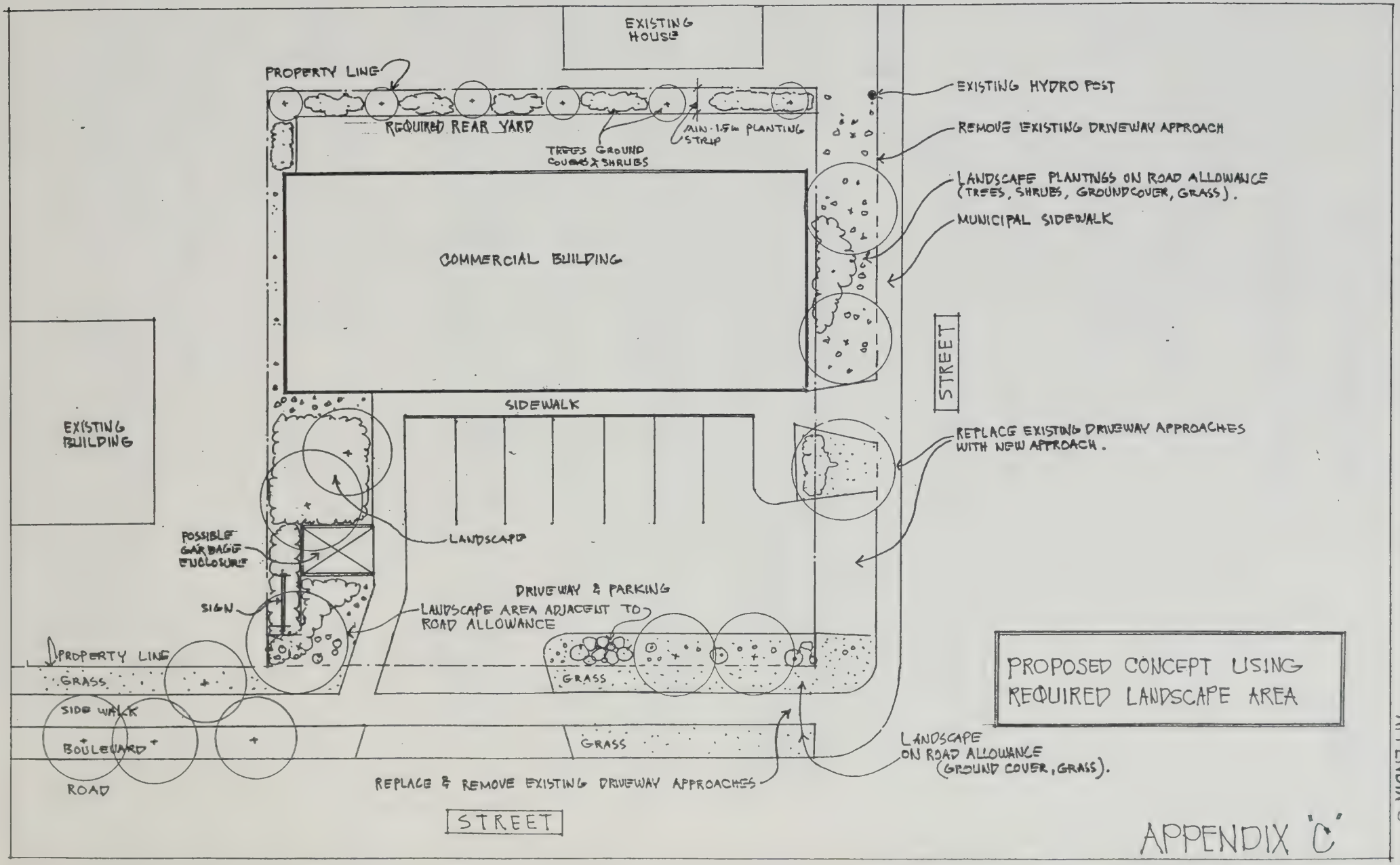
EXISTING DEVELOPMENT AT NORTH- WEST CORNER OF KING ST. WEST AND LONGWOOD ROAD NORTH



APPENDIX B

SITE PLAN OF EXISTING DEVELOPMENT

• BUILDING PERMIT PLAN.



APPENDIX 'C'

APPENDIX C

CITY OF HAMILTON

D ii)

- RECOMMENDATION -

DATE: 1998 November 4
(PLC-98-04)
Ryckmans Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Victor J. Abraham
Director of Planning and Development

SUBJECT: Application to Remove Part-Lot Control - Lots 1 – 15, inclusive, Registered Plan 62M-864, "Olmsted Park, Phase 1"

RECOMMENDATION:

A. That approval be given to **Part Lot Control Application 98-04, Paul Silvestri, owner**, to remove part-lot control for Lots 1 – 15, inclusive, located in "Olmsted Park, Phase 1", Registered Plan 62M-864, known municipally as 15 – 54 Marilyn Drive, inclusive, for the purpose of establishing maintenance easements, as shown on the attached map marked as Appendix "A";

B. That the attached by-law, marked as Appendix "B", to remove part lot control from Lots 1 – 15, inclusive, located in "Olmsted Park, Phase 1", Registered Plan 62M-864, be enacted by Council;

C. That the exempting by-law be restricted to a 1 year effective time period to expire on December 15, 1999;

D. That following the enactment of this by-law, the Commissioner, Regional Environment Department (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the by-law and endorse the same on the by-law.

V. Abraham

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council may pass a by-law for exemption from part-lot control for the purposes of creating maintenance easements for zero-lot line single family dwellings within a registered plan of subdivision.

BACKGROUND:

Proposal

The applicant, Paul Silvestri, is proposing to create maintenance easements for Lots 1 – 15, inclusive, located in "Olmsted Park, Phase 1", Registered Plan 62M-864 (see Appendix "C"). The maintenance easements are required for the zero-lot line single family dwellings in accordance with the provisions of the "R-4" District and the City of Hamilton subdivision agreement.

Location

The subject lands are located north of Rymal Road East and west of Upper Wellington Street, known municipally as 15 – 54 Marilyn Drive, and are located in the Ryckmans Neighbourhood (see Appendix "A").

CIRCULATION COMMENTS:

- The Traffic Division, Department of Public Works and Traffic advised that they have no comment with respect to the application.

- The Regional Environment Division advised of the following:

  "The purpose of this application is to establish maintenance easements for the subject lots, which is a requirement of the City's Subdivision Agreement."

- The Building Department advised of the following:

  "1. The lands are zoned "R-4" District.

  2. It would appear that the purpose of the application is to create a number of maintenance easements for the purpose of zero lot line development."

COMMENTS:

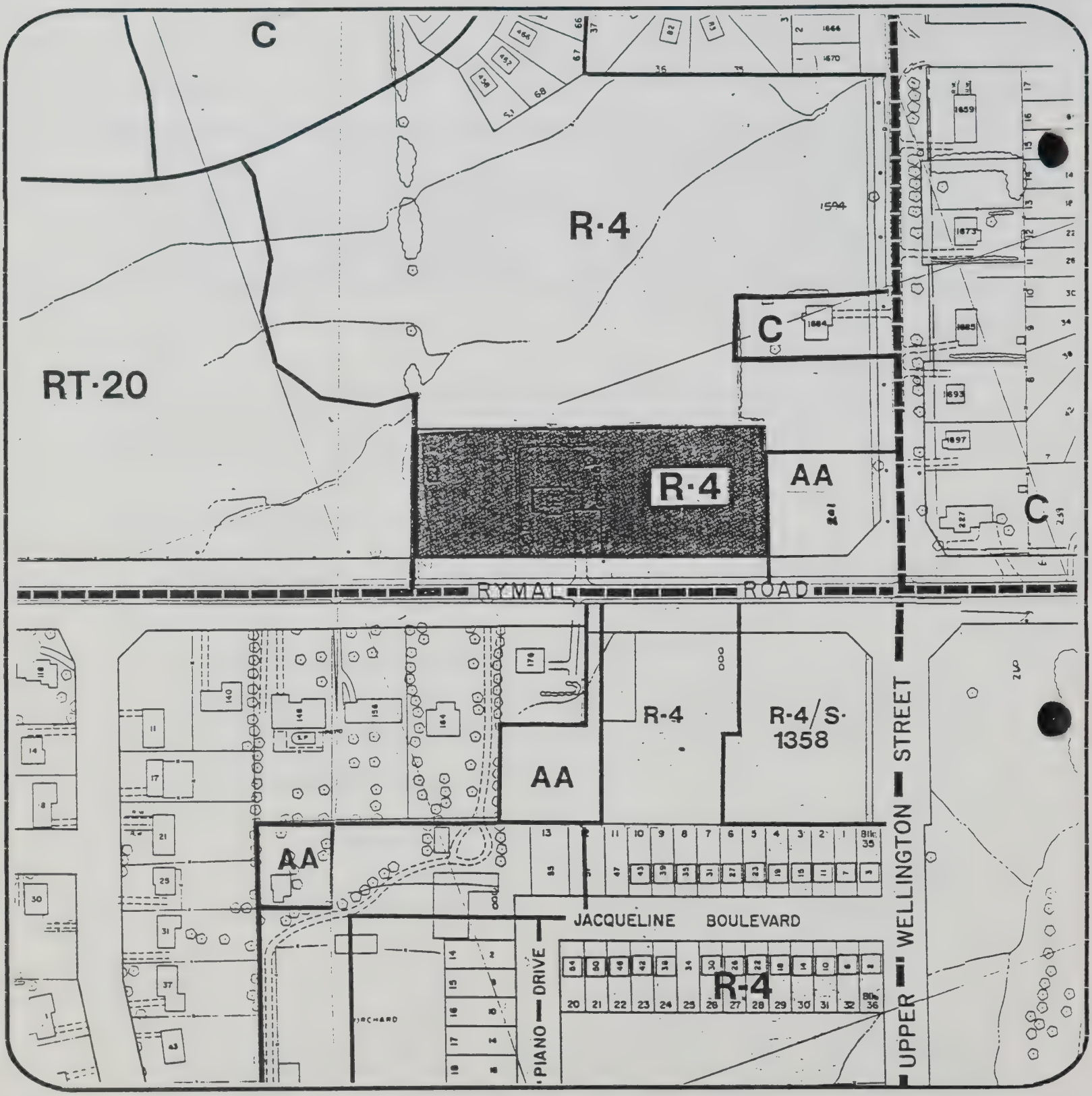
1. Removal of "part-lot" control is a mechanism provided for under the Planning Act to permit minor division of land. This provision eliminates the need to obtain the approval by the Committee of Adjustment for each individual parcel of land, thereby reducing the overall administrative process required to obtain the same objective. The mechanism is exercised by municipalities by registering a by-law in the Land Titles offices. Part lot control can only be used for lands within a registered plan of subdivision. In addition, Section 50(7.3) of the Planning Act, allows for an expiration date to be described in the part-lot control by-law, thereby eliminating the need to repeal said by-law. Under Section 50(7.4), Council may grant an extension before the expiration of the By-law if needed without the approval of the Minister. In this regard, the exempting by-law should be restricted to a 1 year effective time period to expire on December 1, 1999.

2. The attached by-law to remove "part - lot" control has been prepared in a form satisfactory to the City Solicitor.

CONCLUSION:

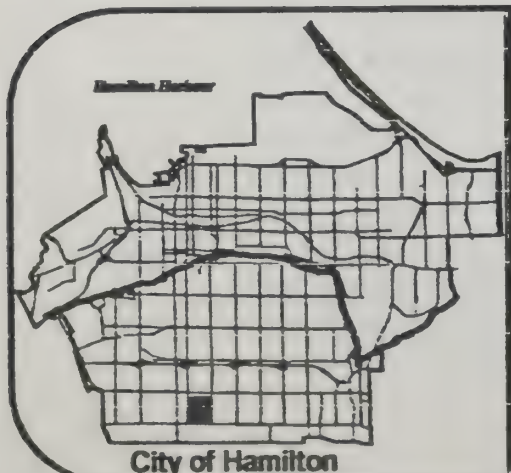
Based on the foregoing, the request to remove part-lot control can be supported.

SR/sr
PLC98-04.doc



PLANNING AND DEVELOPMENT DEPARTMENT

Location Map



Legend

Site of the Application

Reference file: PLC-98-04

Scale: Not to Scale

Date: November, 1998

Technician: FAB

APPENDIX "A"

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 98—

To Remove
Land within the "Olmsted Park, Phase 1" Subdivision, Plan 62M-864
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

(7) **Designation of lands not subject to part lot control. –** Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.

(7.1) **Requirement for approval of by-law. –** A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.

(7.2) **Exemption from approval. –** An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

(7.3) **Expiration of by-law. –** A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.

(7.4) **Extension of time period. –** The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

(7.5) **Amendment or repeal. –** The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton–Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purposes of establishing maintenance easements shall not apply to the following lands:

   Lots 1 - 15, inclusive, within Registered Plan Number 62M-864, in the City of Hamilton, Regional Municipality of Hamilton–Wentworth.

2. (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton–Wentworth.

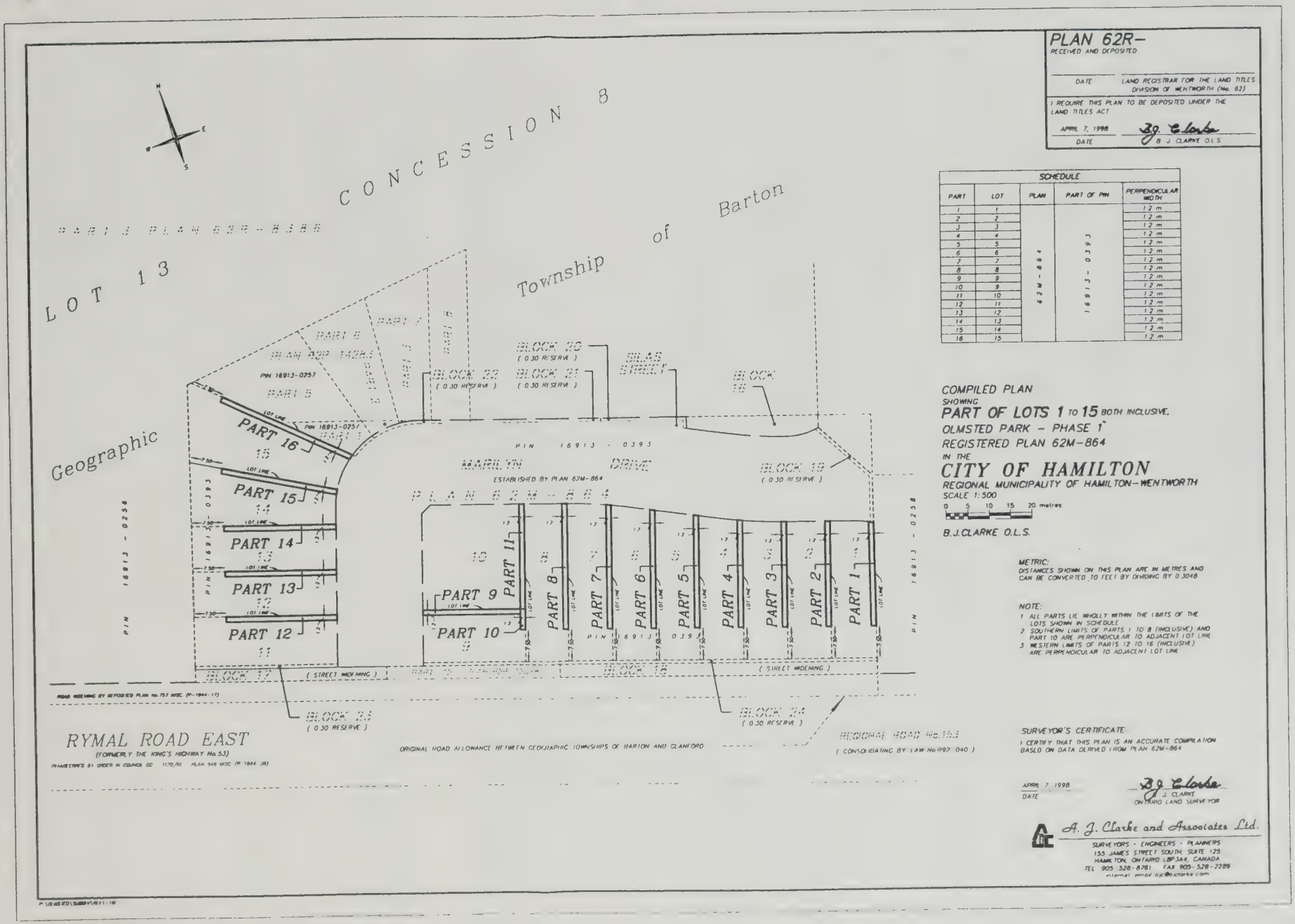
   (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.

   (c) This By-law shall expire on December 15, 1999.

PASSED this 8 day of December A.D. 1998.

Clerk Mayor

Paul Silvestri., owner
(1998) R.P.D.C. , December 8
PLC-98-04


PLAN 62R-
RECEIVED AND DEPOSITED
DATE
LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (No. 62)
I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT
APRIL 7, 1998
DATE
B. J. CLARKE O.L.S.
SCHEDULE
PART | LOT | PLAN | PART OF PIN | PERPENDICULAR WIDTH
1 | 1 | 62M-864 | 16913-0393 | 12 m
2 | 2 | | | 12 m
3 | 3 | | | 12 m
4 | 4 | | | 12 m
5 | 5 | | | 12 m
6 | 6 | | | 12 m
7 | 7 | | | 12 m
8 | 8 | | | 12 m
9 | 9 | | | 12 m
10 | 9 | | | 12 m
11 | 10 | | | 12 m
12 | 11 | | | 12 m
13 | 12 | | | 12 m
14 | 13 | | | 12 m
15 | 14 | | | 12 m
16 | 15 | | | 12 m
CONCESSION 8
Township of Barton
Geographic
LOT 13
PART 3 PLAN 62R-8588
PART 6
PART 5
PART 4
PART 3
PART 2
PART 1
PLAN 62R-14283
PIN 16913-0257
PIN 16913-0256
PIN 16913-0393
BLOCK 20 (0.30 RESERVE)
BLOCK 22 (0.30 RESERVE)
BLOCK 21 (0.30 RESERVE)
SILAS STREET
BLOCK 19
BLOCK 23 (0.30 RESERVE)
BLOCK 24 (0.30 RESERVE)
MARILYN DRIVE
ESTABLISHED BY PLAN 62M-864
PLAN 62M-864
PART 16
PART 15
PART 14
PART 13
PART 12
PART 11
PART 10
PART 9
PART 8
PART 7
PART 6
PART 5
PART 4
PART 3
PART 2
PART 1
(STREET WIDENING)
RYMAL ROAD EAST
(FORMERLY THE KING'S HIGHWAY No.53)
ORIGINAL ROAD ALLOWANCE BETWEEN GEOGRAPHIC TOWNSHIPS OF BARTON AND GLANFORD
REGIONAL ROAD No.16.3
(CONSOLIDATING BY-LAW No.R92-040)
COMPILED PLAN
SHOWING
PART OF LOTS 1 TO 15 BOTH INCLUSIVE,
OLMSTED PARK - PHASE 1
REGISTERED PLAN 62M-864
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1:500
0 5 10 15 20 metres
B.J.CLARKE O.L.S.
METRIC:
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048
NOTE:
1 ALL PARTS LIE WHOLLY WITHIN THE LIMITS OF THE LOTS SHOWN IN SCHEDULE
2 SOUTHERN LIMITS OF PARTS 1 TO 8 (INCLUSIVE) AND PART 10 ARE PERPENDICULAR TO ADJACENT LOT LINE
3 WESTERN LIMITS OF PARTS 12 TO 16 (INCLUSIVE) ARE PERPENDICULAR TO ADJACENT LOT LINE
SURVEYOR'S CERTIFICATE
I CERTIFY THAT THIS PLAN IS AN ACCURATE COMPILATION BASED ON DATA DERIVED FROM PLAN 62M-864
APRIL 7, 1998
DATE
B. J. CLARKE
ONTARIO LAND SURVEYOR
A. J. Clarke and Associates Ltd.
SURVEYORS - ENGINEERS - PLANNERS
153 JAMES STREET SOUTH, SUITE 125
HAMILTON, ONTARIO L8P 3A4, CANADA
TEL 905-528-8761 FAX 905-528-7289
internet email ajc@ajclarke.com

APPENDIX "C"

CITY OF HAMILTON

E.

- RECOMMENDATION -

DATE: 1998 November 20

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Tivoli Theatre – Request for Designation as a National Historic Site

RECOMMENDATION:

That a letter be sent to the Historic Sites and Monuments Board of Canada requesting that the Tivoli Theatre located at 108-112 James Street North, Hamilton, be evaluated for recognition as a National Historic Site.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

BACKGROUND:

The above recommendation is being made in response to the attached letter dated 1998 October 22 from Mayor Morrow to The Honourable Sheila Copps, P.C., M.P. In 1991, LACAC supported a similar request by the owners, Sidney and Sam Sniderman, however the National Historic Sites and Monuments Board recommended against designating the Tivoli Theatre as a National Historic Site.

In 1998 March, Vision Productions signed a five-year lease with the current owners of the Tivoli property, and began rehabilitating the interior as a venue for live entertainment, called the Tivoli Renaissance Project. It has since been used for several live theatre productions.

The building is designated under the Ontario Heritage Act (south and west facades, lobby and auditorium). The Reasons for Designation, map and photographs are attached.

attached

cc Nina Chapple, Planning and Development Department

ROBERT M. MORROW
MAYOR

Mayor's Office
Hamilton

October 22, 1998

The Honourable Sheila Copps, P.C., M.P.
275 Queenston Road
Hamilton, ON L8K 1G9

Dear Sheila:

Thanks for your great suggestion about a federal designation for the Tivoli Theatre and I can assure you that the City will do everything possible to support this.

Should I leave it with your staff to follow up on or is there something that the City should do to push things along?

Yours truly,

Robert M. Morrow
Mayor
City Of Hamilton

Cc Ms. Alice Willems, Office of the Honourable Sheila Copps
Mr. Loren Lieberman, Tivoli Theatre
Ms. Nina Chapple, Planning Department, City of Hamilton

City Hall
71 Main Street West, Hamilton, Ontario, Canada L8P 4Y5
Telephone (905) 546-2790
Fax (905) 546-3165 TDD (905) 546-2448

REASONS FOR DESIGNATION
(By-law No. 90-255)

Tivoli Theatre
108–112 James Street North, Hamilton

Built in 1875 as a carriage factory for J.P. Pronguey, the building at 108–112 James Street North has served primarily as a theatre since 1908. In 1924, the building was substantially enlarged by an auditorium added to the rear to accommodate the Tivoli Theatre, the name by which the building has since been known.

Context

With its architecturally impressive facade, dominant corner tower, and high visibility, the Tivoli Theatre is a major contributing component of the James North Heritage streetscape. It also provides a dramatic visual terminus to the block extending from Cannon to Wilson Street. The adjacent site at the north–east corner of James and Wilson was, for many years, occupied by the Grand Opera House and Hotel, erected in 1880 and demolished respectively in 1960 and 1986.

Historical Significance

In the course of its history, the building at 108–112 James Street North has served many different uses: a carriage works (until 1901), a bowling alley on the second floor (1908–64), various restaurants and retail businesses at street level (most recently the Union Furniture Co.), and of particular significance, a succession of theatres: the Wonderland (1908), the Colonial (1910–12), and the Princess (1913–23), all located in the space which became the lobby of the Tivoli Theatre, and finally the Tivoli itself.

The Tivoli has an important place in Hamilton's theatre history. The Wonderland was reputedly the city's first film theatre while the Tivoli, a vaudeville theatre and motion picture house, was the first theatre to introduce sound movies in the late 1920s. Of the numerous theatres built in Hamilton during the early 20th century, the Tivoli counted among the seven largest and grandest, the most resplendent of which were the Capitol and the Palace. All but the Lyric (now the Century) and the Tivoli have been demolished; and of these two only the Tivoli has retained any part of its original interior decor.

Architectural Significance

Exterior:
Clearly intended to make a bold statement of Pronguey's entrepreneurial ambitions, the original carriage factory was designed by Hamilton architect Albert H. Hills in the popular Second Empire style. Characteristic of this style are the steeply–pitched mansard roof with dormers, the bracketed cornices, and rich classical detailing. Noteworthy features of the Tivoli facade include the round–arched windows with two–over–two sash windows and ornate moulded surrounds, the gabled dormer windows, and the tall mansard–roofed tower. This convex–shaped tower displays narrow, paired arched dormers surmounted by circular windows and a bracketed cornice, originally crowned by ornamental iron cresting.

The later Tivoli Theatre entrance originally featured an octagonal ticket office and an ornamental sign marquee, above which was a vertical "Tivoli" sign projecting at right angles to the street. Only the basic structure of the marquee, however, survived the major alterations made to the entrance in 1954.

Interior:
The Tivoli Theatre was greatly admired for its sumptuously decorated "Italian Renaissance" interior, designed by Toronto architect, B. Kingston Hall. While a significant proportion of the original decor was removed or covered in the course of renovations undertaken in 1943, 1947 and 1954 (when the most extensive remodelling occurred), the main architectural features of the auditorium are still largely intact. These include the proscenium, the ceiling with its elliptical design, the decorative cornice and frieze below, and along each side wall: a colonnade comprising five round arches sprung from coupled pilasters. The two arches on either side of the stage still contain the original bronze statues of Caesar Augustus and the goddess Minerva. At the base of each of the other eight arches are medallions depicting the four seasons.

Designated Features

Important to the preservation of the Tivoli Theatre are:

1. the original architectural features of the front (west) and side (south) facades, including the upper–storey arched windows, moulded surrounds, bracketed cornice, and slate–covered mansard roof with its dormers and corner tower.

2. the original architectural features of the lobby and auditorium, including the ceilings, proscenium, colonnades, statuary, and other decorative wall elements. Excluded from designation are the more recent additions, such as the floor covering, seating and stage curtain.

68.

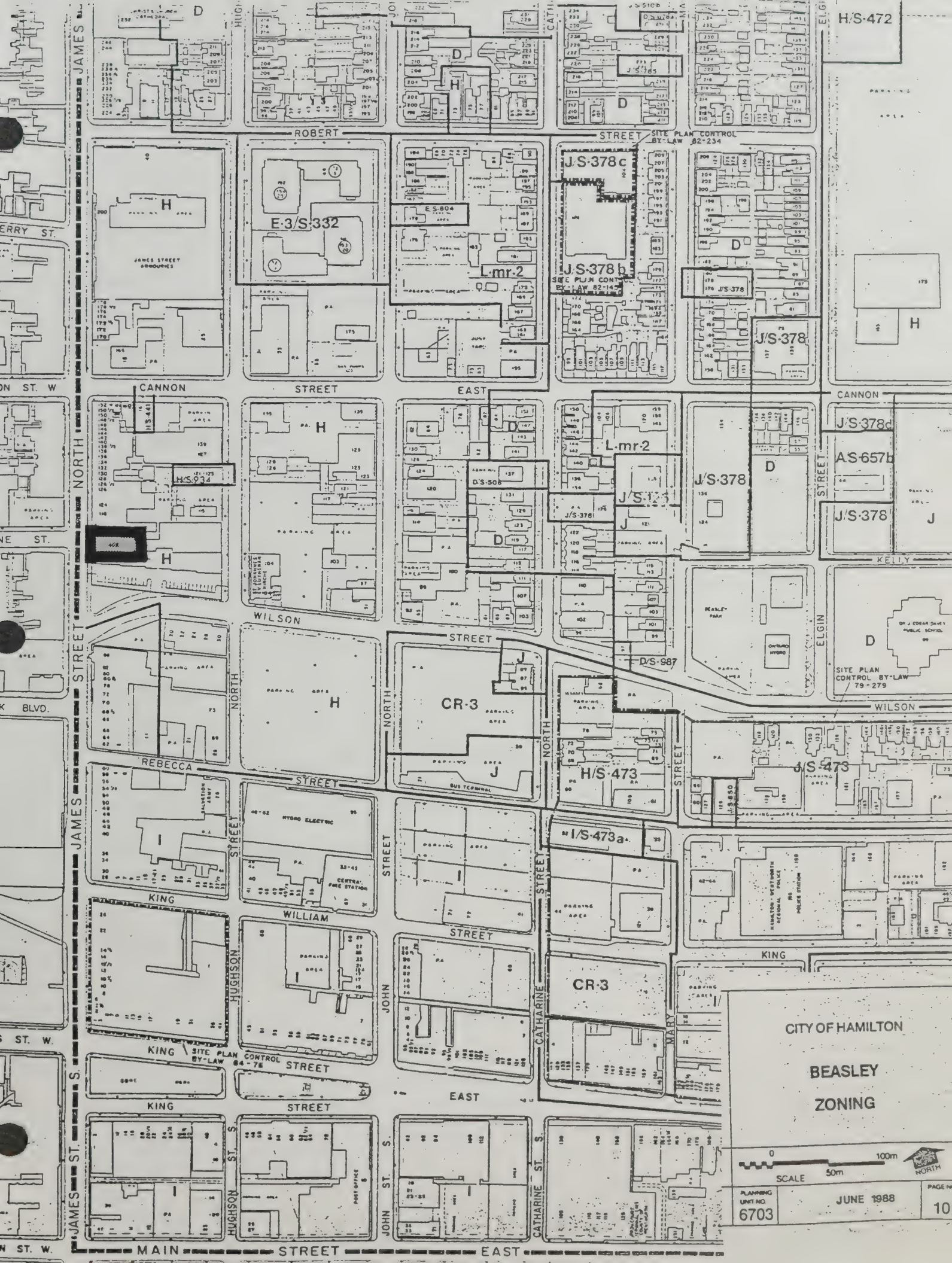
Tivoli Theatre
108-112 James Street South



Built in 1875 as a carriage factory for J.P. Pronguey.
Architect: Albert H. Hills
Later accommodated a succession of theatres; enlarged in 1924 for the Tivoli Theatre.
Architect: Hall and Duerr



TIVOLI THEATRE HAMILTON, ONTARIO. SEPTEMBER, 1930.


CITY OF HAMILTON
BEASLEY
ZONING
SCALE
0
50m
100m
NORTH
PLANNING UNIT NO.
6703
JUNE 1988
PAGE NO.
10
ROBERT STREET
CANNON STREET EAST
WILSON STREET
REBECCA STREET
KING STREET
MAIN STREET EAST
JAMES STREET NORTH
JAMES STREET S.
HUGHSON ST. S.
JOHN ST. S.
CATHARINE ST. S.
MARY STREET
ELGIN STREET
KELLY STREET
H/S-472
E-3/S-332
L-mr-2
J/S-378c
J/S-378b
J/S-378
A/S-657b
D/S-508
D/S-987
CR-3
H/S-473
J/S-473
I/S-473a
H/S-934
SITE PLAN CONTROL BY-LAW 82-234
SITE PLAN CONTROL BY-LAW 79-279
SITE PLAN CONTROL BY-LAW 84-76

F.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 November 23

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Selection Committee

SUBJECT: Appointment of Citizen Members to the Local Architectural Conservation Advisory Committee

RECOMMENDATION:

That the following citizen members be appointed to serve on the Local Architectural Conservation Advisory Committee for a term to expire 2001 November 30:

Jerry Chlebowski
Reginald Wheeler

Touzel

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: n/a

BACKGROUND:

Orientation Sessions for citizens interested in serving on the various City Committees and Local Boards, were held on 1998 October 1 and October 7. Citizens that applied for membership, see attached list, were subsequently interviewed by the City's Selection Committee on 1998 November 5.

The Selection Committee met on Monday, 1998 November 23 and recommended the above-noted appointments.

attached

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

2 TO BE APPOINTED
(2 for a term to expire 2001 November 30)

COMPOSITION	MEMBERS WHOSE TERM OF OFFICE EXPIRES	TERM OF OFFICE EXPIRES
2 Members of City Council	**John Mokrycke**	**1998 November 30**
8 Citizen Members	**Reg Wheeler**	**1998 November 30**

APPLICANTS:

* 1. **Jerry Chlebowski,** 378 St. Andrews Drive, Hamilton, L8K 5K6 (Arts Advisory Commission)

* 2. **Ted Dekker,** 166 Markland Street, Hamilton, L8P 2K5 (HECFI)

* 3. **David Di Gregorio,** 35 Greenhill Avenue, Hamilton, L8K 5C5 (LACAC)

4. **Carolyn McCann,** 53 Callie Road, Hamilton, L9A 2A2

* 5. **Robin McKee,** 83 Leinster Avenue South, Hamilton, L8M 3A4 (Hamilton Historical Board)

6. **Elaine Sheppard,** 432 Charlton Avenue West, Hamilton, L8P 2E8

7. **Reginald Wheeler,** 771 Beach Boulevard, Hamilton, L8H 6Y5

* **Denotes an applicant that has applied to serve on more than one Committee**
____ Denotes an incumbent

G.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 November 20

REPORT TO: Alderman F. D'Amico, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: **Information Items**

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

(a) Secretary LACAC re: Minutes of the meeting held 1998 October 19, dated November 20, 1998

(b) Director of Planning and Development re: Hamilton Community Correctional Centre-Proposed Location dated November 20, 1998

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure is recorded for these matters.

CAY ON HIBC AO5
C51P4
1998

Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF SPECIAL MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Tuesday, 1998 December 8
6:00 o'clock p.m.
Room 233, City Hall

Tina Agnello
Secretary

Please be advised that the Special Planning and Development Committee meeting called for 1998 December is TUESDAY, not Wednesday as noted on the original Notice of Meeting.

I apologize for any confusion.

T Agnello

TA/jt

CA4 ON HBL A05
C51P4
1998

URBAN MUNICIPAL

Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF SPECIAL MEETING

PLANNING AND DEVELOPMENT COMMITTEE

URBAN MUNICIPAL

DEC 7 1998

GOVERNMENT DOCUMENTS

Wednesday, 1998 December 8
6:00 o'clock p.m.
Room 233, City Hall

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 6:00 O'CLOCK P.M.

1. Subdivision Application 98-05 by 822827 Ontario Inc., (A. DiSilvestro, president) owner, for property located at 1620 Upper Wentworth Street .

2. Zoning Application 98-24 and Official Plan Amendment Application by Jomar Development Corporation, Owner, for property located at 723 Rymal Road West.

   Submissions:
   a) Nicholsons, 93 Hawkswood Trail, Hamilton
   b) John and Shari Van Groningen, 19 Falconridge Drive, Hamilton
   c) Richard and Janet Meleskie, 64 Falconridge Drive, Hamilton
   d) Chris and Daniela Gollob, 34 Falconridge Drive, Hamilton
   e) Mr. & Mrs. Okimi, Kaleigh & Dustin, 15 Hawkswood Trail, Hamilton
   f) Tom Leyland, 74 Falconridge Drive, Hamilton

3. **BUILDING COMMISSIONER**

   260-280 King Street East, Demolition Permit (report to follow)

4. **ADJOURNMENT**

DINNER TO BE SERVED IN RM. 264 AT 5:30 PM



1.

CITY OF HAMILTON

- RECOMMENDATION -

DEC 01 1998

DATE: 26 November, 1998
(Barnstown Neighbourhood)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Victor J. Abraham
Director of Planning and Development

SUBJECT: Subdivision Application "Wentwall Estates" – 1620 Upper Wentworth Street

A. That approval be given to Subdivision Application 98-05, (Regional File No. 25T-98012) , 822827 Ontario Inc. (A. DiSilvestro, president), owner to establish a draft plan of subdivision "Wentwall Estates", on lands located west of Upper Wentworth Street and north of Rymal Road East, known municipally as 1620 Upper Wentworth Street in the Barnstown Neighbourhood, as shown on the attached map marked as Appendix "A", subject to the following conditions:

i) That this approval apply to the plan, prepared by Urbex Engineering Limited and certified by J.P. Woolley, O.L.S., dated September 10, 1998, as revised in red, showing 35 lots for street townhouses, 2 blocks being 0.30 m reserves and 1 street identified as Street "A", attached as Appendix "B";

ii) That Street "A" be named from the list of reserved street names for the City of Hamilton to the satisfaction of the City of Hamilton and the Region of Hamilton-Wentworth;

iii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development a municipal street numbering plan;

iv) That the owner shall erect a sign in accordance with Section XI of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton;

v) That the final plan conform with the Zoning By-law approved under the Planning Act;

vi) That the owner provide the City of Hamilton with a certified lost showing the net lot area and width of each lot and block and the gross area of the subdivision in the final plan;

vii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under Section 51 of the Planning Act;

viii) That the Owner prepare and submit to the satisfaction of the Director of Planning and Development, the Commissioner of Transportation and the Commissioner of Public Works and Traffic the following plans:

(i) A building envelope plan showing the building envelopes and on-site parking areas. A minimum 7.0 m front yard setback will be required; and,

(ii) A driveway location plan indicating the driveways to each individual lot. The driveways must not overlap and should be located in a manner to maximize on-street parking.

ix) That the Owner agree to register on title for each individual Lot within the plan of subdivision the following covenants to the satisfaction of the Director of Planning and Development, the Commissioner of Transportation, the Commissioner of Public Works and Traffic and the City Solicitor:

(i) a covenant showing the approved on-site parking; and,

(ii) a covenant showing the approved driveway locations.

x) That the Owner agree to include the following warning clause to be registered on title of all Lots and Blocks within the plan of subdivision, and the owner shall ensure that the warning clause is included in all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and the City Solicitor:

"Purchasers are advised that noise levels originating from Upper Wentworth Street may become of concern, occasionally interfering with some activities of the occupant."

xi) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority;

xii) That the centreline of Street "A" at Upper Wentworth Street must align centreline to centreline with the access to the plaza on the east side of Upper Wentworth Street;

xiii) That a minimum 4.0 m by 4.0 m daylight triangle at the L-shape bend in Street "A" be provided;

xiv) That 1m by 1m daylight triangles at the Street "A" and Upper Wentworth Street be provided;

xv) That a minimum 10m radius transitions into and out of the cul-de-sac bulb be provided;

xvi) That the submitted draft plan be revised to show the Street "A" road alignment with the 18.0 metre road allowance to the satisfaction of the Commissioner of Transportation and the Manager, Development Engineering Section, Regional Environment Department;

xvii) That the applicant prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority. The approved plan is to include the following:

(a) All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been revegetated;

(b) All erosion and sediment control measures shall be inspected after each rainfall, or alternatively every 14 days, to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority;

(c) Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

(d) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction.

xviii) That the Owner prepare and implement a stormwater management plan for the subject property to the satisfaction of the Manager, Development Division, Regional Environment Department and the Hamilton Region Conservation Authority. The approved plan shall address stormwater quality and quantity issues and will ensure that current Provincial drainage and stormwater quality guidelines are implemented;

xix) That the Owner enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of the subject lands; and,

xx) That the Owner agree in writing to satisfy all requirements, financial and otherwise of the City of Hamilton, prior to development of any portion of these lands;.

B. That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SA-98-04/25T-98012), "Wentwall Estates", proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

C. That the City Clerk be directed to advise the Director, Development Division, Regional Environment Department of Council's decision.

D. That the approved Barnstown Neighbourhood Plan be amended to redesignate the subject lands from "Medium Density Apartments" to "Attached Housing" and to add the proposed local street in accordance with the proposed plan of subdivision "Wentwall Estates", and that a notation be shown on the Neighbourhood Plan identifying the subject lands as requiring increase front yard setbacks from 6.0 m to 7.0 m.

E. That through the Site Plan Control review process the owner of the subject lands be required to provide a front yard setback of 7.0 m to ensure that the same off-street parking areas are available to residents which would normally have been available with a 20.0 m road allowance.

EXPLANATORY NOTE:

The application is to subdivide the subject lands into 35 lots for street townhouse dwelling units fronting onto a new local street.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS

As required by the Planning Act and the City of Hamilton Official Plan, Council shall hold at least one (1) public meeting for an application for draft approval of a plan of subdivision.

BACKGROUND:

Zoning By-law 93-161 (City Initiative 93-A)/ Site Plan Control Application 92-65

In 1993, a review of the multiple dwelling districts was undertaken due to concerns related to the development of sites designated and/or zoned for multiple dwellings for townhouse projects. Townhouse development was permitted in the higher density zoning categories (i.e. "DE" Districts and "E" Districts") due to the pyramidal structure of the Zoning By-law. Based on a review of development trends, Planning and Development Department staff supported the removal of townhouses from the "DE" Districts and "E" Districts to maintain the intent of the Official Plan and Neighbourhood Plans. The development of designated and/or zoned apartment sites for townhouses resulted in a change of planned neighbourhood density and neighbourhood mix.

During the review of the multiple dwelling districts, three sites were under site plan review for townhouse developments (1620 Upper Wentworth St., 384-390 Limeridge Rd. E. and 55 Towercrest Dr.). These sites were identified as "Prior Existing Units" in By-law No. 93-161 to permit the proposed townhouse projects to proceed with site plan approval and to obtain a building permit for said development.

With respect to the subject lands, Site Plan Control Application 92-65, for a 58 unit co-operative townhouse/apartment unit complex was approved in January 1994. The application was for 39 townhouse units and 19 apartment units with a proposed future

common building located in the recreation/play area. Due to inactivity, the file was subsequently closed in May, 1995.

Proposal:

The proposed plan of subdivision, as red-line revised, is to subdivide the subject lands into 35 lots for street townhouse dwellings, 2 blocks being 0.30 m reserves and to establish a local street identified as Street "A" as shown on the attached map marked as Appendix "B".

Applicant:

822827 Ontario Inc. (A. DiSilvestro, president), owners.

Agent:

Urbex Engineering Limited.

Surveyor:

J.P. Wooley, O.L.S.

Location:

The lands are located west of Upper Wentworth and north of Rymal Road East, known municipally as 1620 Upper Wentworth Street, in the Barnstown Neighbourhood (see Appendix "A").

Lot Size and Area:

The subject lands are rectangular in shape and have:

- A lot frontage of 107.8 m along Upper Wentworth Street;
- A lot depth of 105.5 m; and,
- A total lot area of 1.12 ha.

LAND USE AND ZONING:

	Existing Land Use	**Existing Zoning**
Subject Lands	Vacant lands	"E-2" (Multiple Dwellings) District
Surrounding Land Use		
To the north	Street Townhouse Dwellings	"RT-30" (Street Townhouse) District
To the south	Vacant Lands	"G-1" (Designed Shopping Centre) District
To the west	Block Townhouse Dwellings	"RT-20" (Townhouse – Maisonette) District
to the east	Commercial Plaza	"DE-3" (Multiple Dwellings) District and "G-1" (Designed Shopping Centre) District

OFFICIAL PLAN:

The subject lands are designated as **"RESIDENTIAL"** on Schedule "A" of the City of Hamilton Official Plan. The proposed plan of subdivision complies with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Medium Density Apartments" in the approved Barnstown Neighbourhood Plan. The proposed subdivision will necessitate an amendment to the approved Barnstown Neighbourhood Plan to redesignate the subject lands to "Attached Housing" and to add the proposed local street.

COMMENTS RECEIVED:

- The Traffic Division, Department of Public Works and Traffic has advised of the following:

  "Please be advised that we have reviewed the subdivision application and provide the following comments.

The applicant should be advised that street townhouses would not be permitted fronting onto Upper Wentworth Street. The street townhouses will also reduce any availability of on-street parking.

When the property lines are projected to the street curb, Lots 9, 11 and 12 have approximately 3.5 metres, 2.9 metres and 2.7 metres of street frontage. This may cause driveways to overlap onto adjacent properties and will create an asphalt area along the road allowance.

We request that as a condition of draft plan approval, a plan be submitted to the satisfaction of the Commissioner of Transportation and the Commissioner of Public Works and Traffic indicating the driveways to each individual lot. The driveways must not overlap and should be located in a manner to maximize on-street parking. A covenant must be registered on title for each individual lot showing the approved driveway location."

- The Hamilton Region Conservation Authority (HRCA) have advised of the following:

"1. That the applicant prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority. The approved plan should include the following notes:

   a) All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been revegetated;

   b) All erosion and sediment control measures shall be inspected after each rainfall to the satisfaction of Authority staff;

   c) Any disturbed area not scheduled for further construction within 45 days will be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction;

   d) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction;

2. That the applicant prepare and implement a stormwater management plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority. The approved plan shall address stormwater quantity and quality issues and ensure that current Provincial drainage and stormwater management quality guidelines are implemented.

Comments:

Removal of vegetative cover combined with the construction of the subdivision may increase erosion and sedimentation both on and off the subject property. In this regard, an erosion and sediment plan should be prepared and implemented for the subject property to the satisfaction of the Hamilton Region Conservation Authority.

A stormwater management plan is required for this site. This report will explain the manner in which stormwater will be conveyed from the site, including stormwater

management techniques in accordance with Provincial drainage and stormwater quantity and quality guidelines.

Ministry of Natural Resources concerns regarding this project have been addressed through the comments and conditions provided by the HRCA."

- The Building Department advised of the following:

"1. Townhouses are not a permitted use in the "E-2" District, however, By-law 93-161 deemed this property as a "Prior Existing Use". Therefore, the proposed street townhouse is subject to the "RT-30" District provisions. Please note that the proposed street shall be a public highway.

2. The height, minimum side yard requirements and distance between buildings are subject to the "RT-30 District provisions. No concept plan submitted to determine compliance.

3. The minimum required front yard is 6.0 m and the minimum required rear yard is 7.5m.

4. Lots 1 – 35 conform with respect to the minimum lot area of 180 m^2 for each single family dwelling unit and minimum lot width of 6.0 m for each dwelling unit.

5. Not more than eight (8) single family dwelling units shall be attached in a continuous row."

- The Regional Environment Department, Development Engineering Section advised of the following:

For Information:

1. Should this application be approved, then the approved Barnstown Neighbourhood Plan must be amended to reflect the final approved draft plan.

2. According to our records and the approved site plans for the plaza on the east side of Upper Wentworth Street, there appears to be an approximate 0.83 m offset between the centrelines. The applicant/owner must verify the as-built centreline of the plaza access and ensure that the centrelines align.

3. The approval of an 18.0 m road allowance is subject to confirmation from all of the Utility Companies that their facilities and municipal sidewalk, can be constructed within the 18.0 m road allowance in accordance with their standard requirements.

4. We understand that the Traffic Division is reviewing the lot frontages within the horizontal curves and cul-de-sac bulb area to ensure that driveway overlaps onto the adjacent properties does not occur.

Recommendations:

1. That the centreline of Street "A" at Upper Wentworth Street must align centreline to centreline with the access to the plaza on the east side of Upper Wentworth Street.
2. That a minimum 4.0 m by 4.0 m daylight triangle at the L-shape bend in Street "A" be provided.
3. That 1m by 1m daylight triangles at the Street "A" and Upper Wentworth Street be provided.
4. That a minimum 10m radius transitions into and out of the cul-de-sac bulb be provided.
5. That the submitted draft plan be revised to show the Street "A" road alignment with the 18.0 metre road allowance as per our recommended revisions.
6. That the applicant/owner either:
   a) Rezone the subject lands to establish an increased front yard setback of 7.0 m in order to ensure that the same off-street parking areas is available to residents which would normally have been available with a 20.0 m road allowance; or,
   b) Establish the cul-de-sac with a road allowance width of 20.0 metres and realign the streets and the cul-de-sac bulb as shown on the attached plan.
7. That the applicant/owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands.

The submitted plan as prepared by J.P. Woolley, O.L.S., stamped with the date September 10, 1998 is satisfactory to the Regional Environment Department subject to the above comments and recommendations."

- The Regional Environment Department, Development Division advised of the following:

  "The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan. The proposal conforms with the intent of the HWOP.

  The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. Since the subject lands are in an area of known archaeological sites, and is adjacent to Upper Wentworth Street, which is a major arterial road with potential vehicular noise, the application requires further demonstration of how it has regard for the following PPS policies:

  2. Resources

  2.5 Cultural Heritage and Archaeological Resources

2.5.1 Significant built resources and cultural heritage landscapes will be conserved,

2.5.2 Development and site alternation may be permitted on lands containing archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site will be permitted.

Also, the subject lands are adjacent to Upper Wentworth Street, which is a major arterial road with potential vehicular noise impacts on residential development.

Therefore, approval of the proposed subdivision should be conditional upon the following:

1) The proponent shall carry out an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading or other soil disturbances shall take place on the subject property prior to the approval authority and the Ministry of Citizenship, Culture & Recreation confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

2) That the owner agree to register the following noise warning clause for all the residential units within the proposed development:

"Purchasers are advised that noise levels originating from Upper Wentworth Street may become of concern, occasional interfering with some activities of the occupant."

COMMENTS:

1. The proposal complies with the general intent of the Official Plan and Council policy in that the subject lands were identified as a "prior existing use" in Zoning By-law 93-161.

2. The proposal has merit and can be supported for the following reasons:

   i) it implements the intent of the Official Plan;

   ii) it is consistent with the existing development in the Barnstown Neighbourhood Plan; and,

   iii) it would be compatible with the existing and planned residential uses in the surrounding area.

3. The proposed plan of subdivision has been red-line revised to provide for 1m x 1m daylight triangles at the intersection of Street "A" and Upper Wentworth Street and a 4m x 4m daylight triangle at the north-west corner of Lot 28. In addition, a 0.30 m

reserve has been added where Street "A" abuts the commercial block of the land to the south of the subject lands. This is to ensure that there is no vehicular access from Street "A" to the commercial lands. In addition, in the absence of the 0.30 m reserve, under the provisions of the Zoning By-law the commercial lands would become a "through-lot". This would mean that the commercial lands have two front yards and no rear yard which would have implications for the development of these lands.

The Regional Environment Department has verbally advised that a 0.30 m reserve is not required along the easterly ,limits of Lots 1 and 35. This is because under the provisions of the Regional Roads By-law, direct access to Lots 1 and 35 from Upper Wentworth Street is regulated.

4. As a condition of draft plan approval, the applicant should be required to prepare and submit a driveway location plan. The Traffic Division has advised that this is required to ensure there are no over-lapping driveways and the driveways are located in a manner to maximize on-street parking. Furthermore, the plan should be registered on title for each individual lot showing the approved driveway location.

5. In order that adequate off-street parking can be provided, the Regional Environment Department has recommended that the subject lands should either be rezoned to require an increased front yard setback from 6.0 m to 7.0 m with an 18.0 m road allowance, or increase the width of the road allowance to 20.0 metres and realign the proposed subdivision accordingly.

The applicant has advised that they are opposed to increasing the road allowance width from 18.0 m to 20.0 m. This is because the lot yield will be reduced from 35 lots to 34 lots. They have however indicated that through the site plan review process they would be willing to provide a 7.0 m front yard setback. To ensure that a 7.0 m front yard setback is provided, through the conditions of draft plan approval, the applicant could be required to submit conceptual building envelopes showing the 7.0 m front yard setback. These building envelopes could subsequently be registered on title in a similar fashion as the driveway location plan required by the Traffic Division.

5. As a condition of draft plan approval, the proponent will be required to submit a surveyor's certificate showing lot width and lot area demonstrating conformity with the applicable provisions of the City of Hamilton Zoning By-law.

6. The subject lands are adjacent to Upper Wentworth Street which is a major arterial road with high traffic volumes. As such, the Regional Environment Department has requested that as a condition of draft plan approval, a warning clause should be registered on title of all Lots within the proposed plan of subdivision advising purchasers that noise levels originating from Upper Wentworth Street may become of concern and occasionally interfering with some activities of the occupant.

7. The Regional Environment Department has advised that the subject lands are in an area of known archaeological sites. As such, the Region will require, as a condition of draft plan approval, that the proponent undertake an archaeological assessment of the entire development property. The archaeological

assessment, and implementation of the recommendations of the assessment should be undertaken prior to the demolition, grading or other soil disturbances on the subject lands. The applicant will be required to obtain written approval from the Ministry of Citizenship, Culture & Recreation confirming that all archaeological resource concerns comply with applicable provincial licensing and resource conservation requirements.

8. There is an existing neighbourhood park to the north and west of the subject lands. As such, rather than requiring the developer to dedicate 5% of the total area of the subdivision for parkland, the proponent will be required to make a 5% cash-in-lieu payment to the City of Hamilton as a condition of draft plan approval.

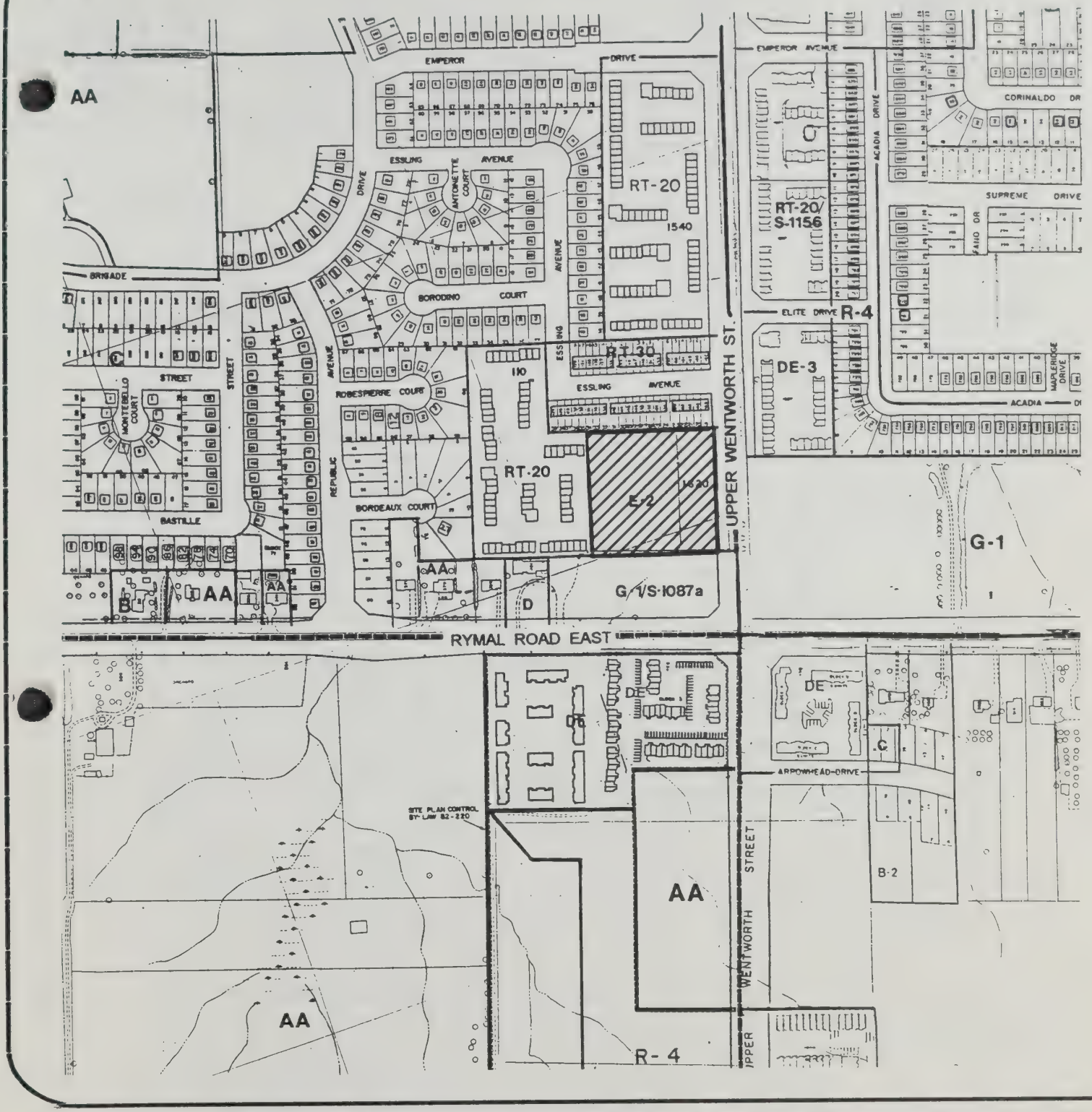
9. The "RT-30" District is subject to site plan control. As such, matters such as landscaping, fencing, building design, orientation and driveway access, etc. will be further reviewed at the site plan control stage.

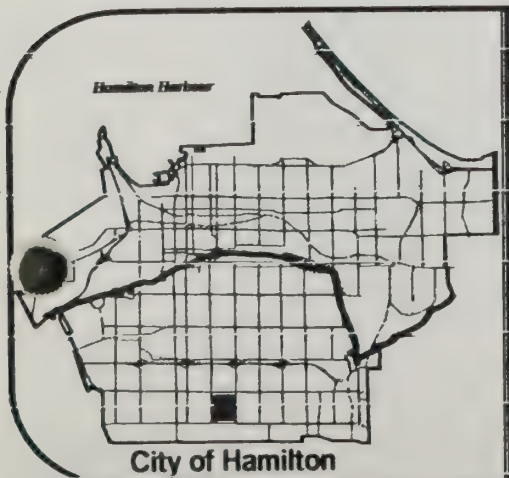
CONCLUSION:

On the basis of the foregoing, the application as red-line revised can be supported.

SR/sr

SA98-05.DOC





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

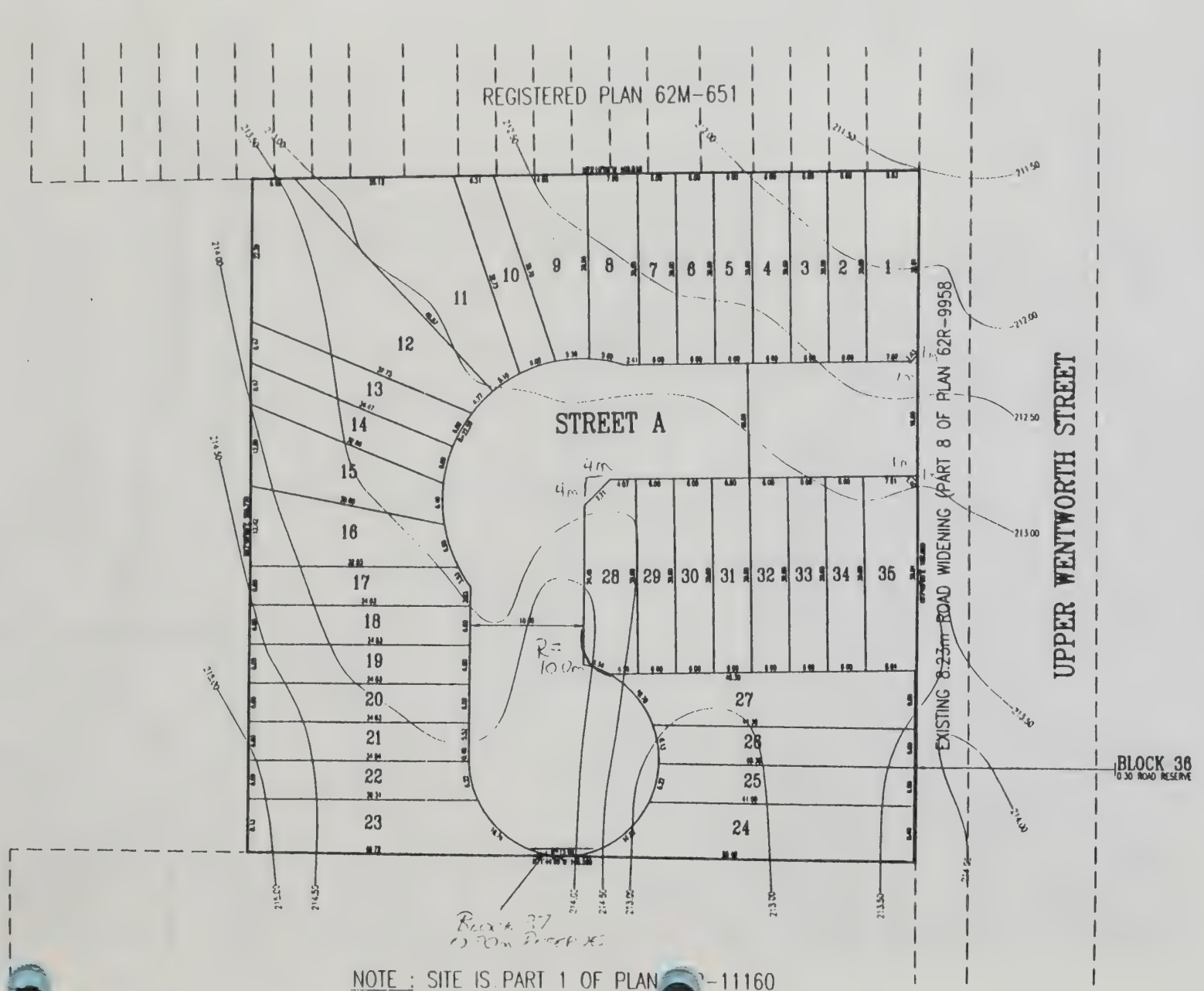
Site of Application

Reference file:	SAR-98-05
Scale	Not to Scale
Date	November, 1998
Technician:	FAB

North

APPENDIX "A"

25T-98012



PROPOSED DRAFT PLAN OF SUBDIVISION FOR

WENTWALL ESTATES STREET TOWNHOUSES

HAMILTON, ONTARIO

BEING PART OF LOT 11, CONCESSION 3, FORMERLY IN THE TOWNSHIP OF BARTON, NOW IN THE CITY OF HAMILTON, REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH

REQUIREMENTS OF THE PLANNING ACT, RSO 1990 SECTION 51 (3)

LAND USE SCHEDULE

OWNER'S CERTIFICATE

SURVEYOR'S CERTIFICATE

No.	REVISION	DATE

KEY PLAN

URBEX ENGINEERING LIMITED
PROFESSIONAL ENGINEERS
161 REBECCA STREET
HAMILTON, ONTARIO
L8R 1B9

1

ADDENDUM #1

2

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 December 3
ZAC-98-24
Carpenter Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

SUBJECT: Request for an Official Plan Amendment and for changes in zoning for lands located at 723 Rymal Road West

RECOMMENDATION:

(a) That Zoning Application ZAC-98-24, 723 Rymal Road West (Jomar Development Corporation), owner, for an Official Plan Amendment and changes in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc,) District to "DE-3" (Multiple Dwellings) District (Blocks "1" and "2") and from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc,) District to "RT-20" (Townhouse – Maisonette) District (Blocks "3" and "4"), to permit a "Community and Residential Care Access Centre" (Blocks "1" and "2") and 24 condominium townhouse units (Blocks "3" and "4") for lands located south of Rymal Road West, east of the City of Hamilton-Township of Glanbrook municipal boundary and located at the westerly limits of Falconridge Drive, known municipally as 723 Rymal Road West be **DENIED** for the following reason:

(i) the development of the residential lands shown as "Blocks "3" and "4" and the elimination of the neighbourhood street is considered to be premature until such time as the overall neighbourhood Planning Land Use designations, traffic issues, etc. have been addressed.

(b) That approval be given to Official Plan Amendment No. to establish a Special Policy Area to permit a "Community and Residential Care Access Centre", containing residential care and short-term residential care facilities for the accommodation of a maximum of 25 and 26 residents of at least 65 years of age, respectively, and medical and associated commercial uses in a 2 storey building and to permit the conversion of the existing dwelling into a restaurant, within the "Residential" designation, on lands known municipally as 723 Rymal Road West, as shown on the attached map marked as Appendix "A", and that the City

Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.

(c) That approval be given to amended Zoning Application ZAC-98-24, 723 Rymal Road West (Jomar Development Corporation), owner, for changes in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc) District to "DE-3" – 'H' (Multiple Dwellings - Holding) District, modified, to permit a "Community and Residential Care Access Centre" containing a residential care and short-term residential care facilities for the accommodation of a maximum of 25 and 26 residents of at least 65 years of age, respectively, and medical and associated commercial uses in a 2 storey building and to permit the conversion of the existing dwelling into a restaurant, for lands located south of Rymal Road West, east of the City of Hamilton-Township of Glanbrook municipal boundary and located at the westerly limits of Falconridge Drive, known municipally as 723 Rymal Road West, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "A", on the following basis:

(i) That Block "1" be rezoned from "AA" (Agricultural) District to "DE-3" – 'H' (Multiple Dwellings - Holding) District;

(ii) That Block "2" be rezoned from "C" (Urban Protected Residential, etc) District to "DE-3" – 'H' (Multiple Dwellings - Holding) District;

(iii) That the 'H' symbol applicable to the land referred to in section (c)(i) and (c)(ii) shall be removed conditional upon:

a) The owner preparing and submitting a storm water management study to the satisfaction of the applicable Conservation Authorities and the Manager, Development Engineering Section, Regional Environment Department;

b) Servicing is available to the subject lands to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department; and,

c) The applicant entering into all required agreements for the provision of services, with the City of Hamilton and the Region of Hamilton-Wentworth, to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department.

The 'H' symbol shall be removed by amendment to this by-law and the development of the subject lands may proceed in accordance with the "DE-3" (Multiple Dwellings) District provisions, subject to the special provisions of Section C.(iv);

(iv) That the "DE-3" (Multiple Dwellings) District regulations, as contained in Section 10C of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special provisions:

a) That notwithstanding Section 10C(1) of Zoning By-law No. 6593, only the following uses shall be permitted:

(i) a "Community and Residential Care Access Centre"; and,

(ii) a restaurant provided that:
a) it is located within the existing dwelling at the time of passage of the by-law;
b) the external appearance and character of the dwelling shall be preserved and maintained;
c) a drive-thru or take-out shall not be permitted; and,
d) it is accessory to a "Community and Residential Care Access Centre".

b) For the purpose of this by-law, a "Community and Residential Care Access Centre" shall mean a building in which short-term residential care and residential care facilities are provided in conjunction with medical offices and related services, subject to the following provisions:

(i) a Short-Term Care Facility for the accomodation of a maximum of 26 residents of at least 65 years of age located within the first and second storeys;

(ii) a Residential Care Facility for the accommodation of a maximum of 25 residents of at least 65 years of age is located within the second storey;

(iii) an accessory dining room in the second storey which shall only be used in conjunction with the Residential Care and Short-Term Care Facilities; and,

(iv) offices for medical or dental practitioners, osteopaths or drugless practitioners, physiotherapists, optometrists, shall be located within the first storey, and shall include medical related services such as reception areas, examination rooms, x-ray, ultra sound, a medical laboratory, and a drugstore, provided that all such uses except for a drugstore shall have access only from the interior of the building.

c) That notwithstanding Section 10C.(3) of Zoning By-law No. 6593, no building shall exceed two storeys in height;

d) That notwithstanding Section 10C.(3) of Zoning By-law No. 6593, for a "Community and Residential Care Access Centre", the following yards shall be provided and maintained:

(i) a minimum front yard depth of 4.7 m;
(ii) a minimum side yard depth of 3.8 m; and,
(iii) a minimum rear yard depth of 11.1 m.

e) That notwithstanding Section 10C.(5) of Zoning By-law No. 6593, for a "Community and Residential Care Access Centre" a maximum gross floor area of 4,690 m^2 shall be permitted, the residential portion shall have a minimum floor area of 2,715 m^2 and the commercial portion shall have a maximum floor area of 1,975 m^2, including hallways and common amenity areas;

f) For the "Community and Residential Care Access Centre", signage shall be permitted in accordance with the provisions of Section 3.(2b)(ii) of Zoning By-law No. 6593;

g) That Section 4.(3) of Zoning By-law No. 6593, shall not apply to the subject lands;

h) That notwithstanding Section 2.(2)A.(xiiaa) of Zoning By-law No. 6593, a Residential Care Facility shall be permitted within a building containing a "Community and Residential Care Access Centre" comprised of residential and commercial uses;

i) That notwithstanding Section 2.(2)A.(xiiaaa), a Short-Term Residential Care Facility shall be permitted within a building containing a "Community and Residential Care Access Centre" jointly comprised of residential and commercial uses;

j) That Section 10C.(7) of Zoning By-law No. 6593 shall not apply to the subject lands.

(v) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Section S - , and that the subject lands on Zoning District map W-37E be notated as S - ;

(vi) That the City Solicitor be directed to prepare a By-law to amend Zoning

By-law No. 6593 and Zoning District Map W-37E for presentation to City Council;

(vii) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of the proposed Official Plan Amendment No. by the Region of Hamilton-Wentworth, and,

(viii) That upon finalization of the Zoning By-law, the subject lands be redesignated from "Single and Double" Residential to "Commercial and Residential" and the north-south cul-de-sac be removed on the approved Carpenter Neighbourhood Plan.

EXPLANATORY NOTE:

An Official Plan Amendment is required to establish a Special Policy Area to permit a "Community and Residential Care Access Centre", including limited commercial uses, for lands located at 723 Rymal Road West, within the "Residential" designation.

The purpose of the proposed by-law is to provide for changes in zoning from "AA" (Agricultural) District (Block "1") and "C" (Urban Protected Residential, etc.) District (Block "2") to "DE-3" (Multiple Dwellings) District, modified, for lands located south of Rymal Road West, east of the City of Hamilton-Township of Glanbrook municipal boundary and located at the westerly limits of Falconridge Drive, known municipally as 723 Rymal Road West, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the development of the subject lands for a "Community and Residential Care Access Centre" and to permit the conversion of the existing dwelling into a restaurant.

In addition, the By-law provides for the following special variances:

- Permits a restaurant within the existing dwelling, but specifically excludes a drive-thru and take-out, and requires that the external appearance and character of the dwelling be maintained;
- Restricts the height of the "Community and Residential Care Access Centre" to 2 storeys in height whereas the provisions of the Zoning By-law permit a maximum height of 3 storeys;
- Permits a minimum front yard of 4.7 m whereas the provisions of the Zoning By-law require a minimum front yard setback of 12.0 m;
- Permits a minimum westerly side yard of 3.8 m whereas the provisions of the Zoning By-law require a minimum side yard of 6.74 m;
- Permits a minimum rear yard of 11.1 m whereas the provisions of the Zoning By-law require a minimum rear yard of 11.46 m;

- Permits a maximum gross floor area of 4,690 m^2, of which the residential portion shall have a minimum floor area of 2,710 m^2 and the commercial portion shall have a maximum floor area of 1,975 m^2 (including hallways and common amenity areas) whereas the provisions of the Zoning By-law utilizes a floor area ratio factor of 0.9 (6,293 m^2);
- Permits business identification signage in accordance with the regulations for institutional uses whereas business identification signage is not permitted in the "DE-3" District;
- For the purposes of the by-law, a "Community and Residential Care Access Centre" is defined as being a building containing both residential and commercial uses, subject to the following restrictions:

    (i) the commercial uses will be restricted to offices for medical or dental practitioners, osteopaths or drugless practitioners, physiotherapists, optometrists, provided that the commercial uses are located on the first storey, and shall include medical related services such as reception areas, examination rooms, x-ray, ultra sound, a medical laboratory, and a drugstore. In addition, except for a drugstore, access to the commercial uses will only be available from the interior of the building;

    (ii) the Short-Term Residential Care component will be restricted in size to a maximum capacity of 26 residents who are at least 65 years of age. The Residential Care Facility will be restricted to a maximum size of 25 residents who are at least 65 years of age; and,

    (iii) a dining room, used in conjunction with the short-term residential care and residential care facilities shall be located on the second storey.

In addition, the By-law also establishes the holding provisions of Section 36(1) of the Planning Act on the subject lands by introducing the holding symbol 'H' as a suffix to the proposed "DE-3" District, modified, zoning. The holding provisions will prohibit development of the subject lands until the following conditions are fulfilled:

a) The owner preparing and submitting a storm water management study to the satisfaction of the applicable Conservation Authorities and the Manager, Development Engineering Section, Regional Environment Department;

b) Servicing is available to the subject lands to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department; and,

c) The applicant entering into all required agreements for the provision of services, with the City of Hamilton and the Region of Hamilton-Wentworth, to the satisfaction of the Manager, Development Engineering Section, Regional Environment Department.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

As required by the Planning Act, Council shall hold at least 1 public meeting to consider an application for an Official Plan Amendment and Zoning By-law Amendment.

BACKGROUND:

Proposal

The application, as submitted, is for changes in zoning from "AA" (Agricultural) District (Block "1") and "C" (Urban Protected Residential, etc) (Block "2") to "DE-3" (Multiple Dwellings) District and from "AA" (Agricultural) District (Block "3") and "C" (Urban Protected Residential, etc) District (Block "4") to "RT-20" (Townhouse – Maisonette) District (Block "2"), to permit a 2 storey building to be used as a "Community and Residential Care Access Centre" and to permit the conversion of the existing dwelling into a restaurant (Blocks "1" and "2"). In addition, the applicant is proposing to develop 25 condominium townhouse units (Blocks "3" and "4") on lands located at the City of Hamilton-Township of Glanbrook municipal boundary and located at the westerly limits of Falconridge Drive, known municipally as 723 Rymal Road West.

Based on plans submitted by the applicant (see APPENDIX "B"), the applicant is proposing the following:

- The proposed "Community and Residential Care Access Centre" is to be a 2 storey building. There will be medical and associated offices on the first storey in addition to Short-Term Care Facilities for 8 persons. There will be Short-Term Care Facilities for 18 persons and Residential Care Facilities for 25 persons in addition to common dining facilities and a nurse's station on the second storey;
- There will be 91 parking spaces and 1 loading space provided for the proposed "Community and Residential Care Access Centre";
- The existing dwelling is to be converted into a "tea room";
- The existing trees located along the easterly limits of the property are to be retained;
- Access to and from the proposed "Community and Residential Care Access Centre" will be from Rymal Road West;
- The 24 condominium townhouse units will be 1 storey in height. Each townhouse unit will have an attached garage;
- There will be 18 visitor parking spaces for the townhouse units, 10 of which will be located on the lands currently owned by Ontario Hydro; and,
- Access to the townhouse units will be from Rymal Road West. Until such time as

the applicant has acquired the former Glancaster Road road allowance, a temporary access to Rymal Road West will be provided from the "Community and Residential Care Access Centre". There will be no vehicular access to Falconridge Drive. Falconridge Drive will be terminated in a cul-de-sac and pedestrian access from Falconridge Drive to the "Community and Residential Care Access Centre" will be provided.

APPLICANT:

723 Rymal Inc. (Jomar Development Corporation).

LOT SIZE AND AREA:

The subject lands to be rezoned are rectangular in shape and have:

- 136 m of frontage along Rymal Road West;
- a lot depth of 126 m; and
- a total lot area of 1.4 ha.

LAND USE AND ZONING:

	Existing Land Use	**Existing Zoning**
Subject Lands	Single Detached Dwelling and a Barn	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
Surrounding Land Use		
to the north	Vacant (planned single detached dwellings)	"AA" (Agricultural) District
to the south	Vacant (designated as an Institutional Site)	"AA" (Agricultural) District
to the west	Vacant (Ontario Hydro corridor and TransCanada Pipelines corridor)	N/A (located in the Township of Glanbrook and the Town of Ancaster)

to the east	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" of the Official Plan. The proposal is for a mixed use building consisting of medical offices and related uses and short-term care and residential care facilities. The proposed "Community and Residential Care Access Centre" is primarily commercial in nature with residential ancillary to the commercial use. Accordingly, an amendment to the Official Plan is required to establish a Special Policy Area to permit a "Community and Residential Care Access Centre", and a restaurant within the existing building, for lands located at 723 Rymal Road West, within the "Residential" Designation.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single and Double " Residential in the approved Carpenter Neighbourhood Plan. If approved, a redesignation from "Single and Double" residential to "Commercial and Residential" is required. In addition, changes to the proposed road pattern are required to delete the north-south cul-de-sac from the future extension of Falconridge Drive, and to terminate Falconridge Drive at the easterly limits of the subject lands.

COMMENTS RECEIVED:

- The Traffic Division, Department of Public Works and Traffic has advised of the following:

  "The approved Carpenter Neighbourhood Plan connects Falconridge Drive to Glancaster Road. This extension of Falconridge Drive services the "Civic and Institutional" lands to the south and provides an additional access to the neighbourhood. The proposed application is recommending that this roadway section not be constructed and the lands be rezoned "RT-20" (Townhouse-Maisonette) District to permit 25 bungalow townhouse units. All traffic generated by lands designated "Civic and Institution" would then be forced through the internal residential streets in the Carpenter Neighbourhood. We have had discussions with the prospective purchasers of the "Civic and Institutional" lands about a potential roadway or driveway access to Glancaster Road. However, these options are premature. In conclusion, we consider the elimination of Falconridge Drive to Glancaster Road to be premature until such time of access

to the "Civic and Institutional" lands to the south is resolved. Accordingly, we request that the rezoning of the lands for townhouses be held in abeyance until the access for the "Civic and Institutional" lands to the south is resolved.

The applicant has submitted a preliminary site plan for the "Community Care Access Centre". Access to this site would be from Rymal Road. A Traffic Impact Study prepared by Delcan Corporation dated 1998 November 17, indicates that this access will operate at an acceptable level of service and there is sufficient stopping sight distance for this easterly access. Departure turning sight distance from this access is deficient. This means approaching motorists on Rymal Road may be required to slow down on occasions as vehicles turn left in front of them and attain operating speed.

The applicant should be advised that the loading area for the site does not have sufficient on-site manoeuvring. The parking layout will have to be changed to facilitate this movement and also to eliminate "dead-end" corridors. The access width to Rymal must be increased to a minimum of 7.5 metres. There must also be a minimum throat of 6.0 metres on this access."

- The Hamilton Region Conservation Authority have advised of the following:

"Authority staff have reviewed the application ZAC-98-24 and note that we have no regulations or other interests affecting the subject property.

Approximately half of the subject property is located within the jurisdiction of the Niagara Peninsula Conservation Authority and in this regard we recommend that the N.P.C.A. be contacted regarding this proposal."

- The Niagara Peninsula Conservation Authority verbally advised that they have no objection to the proposal but will provide additional comments at the site plan stage/subdivision stage for the proposed residential development.

- The Building Department provided the following comments:

"DE-3" District

1. The total lot area indicated does not include the portion of Block 68 of Registered Plan 62M-747.

2. Block 68 of Registered Plan 62M-747 is presently located in a "C" District and the remaining lands are located in an "AA" District.

3. Proposed uses of medical offices and other commercial uses are not permitted in the proposed "DE-3" District.

4. The use of a Residential Care Facility and a Short Term Care Facility, as defined, are required to be in fully detached buildings and the maximum number of residents accommodated in each is six (6).

5. The minimum required yards are as follows:

FRONT	-	12.00m
SIDES	-	6.74m
REAR	-	11.46m

The side and rear yard setbacks have not been indicated to determine compliance and the front yard does not conform.

6. No building shall be erected and used for residential purposes on the same land as an existing principle building.

7. The existing building proposed to be used as a "tea room" is considered a restaurant and is not permitted.

8. The gross floor area of both the proposed building and existing building has not been provided. The total lot area is required to determine the maximum gross floor area to be allowed at a gross floor ratio of .9.

9. The required landscaped area required is at least one quarter of the area of the lot.

10. The parking required for the residential care facility and short term care facility is a minimum of seventeen (17) parking spaces.

11. To determine the minimum required parking and loading for the commercial uses, the total floor area contained within the perimeter of the buildings of each floor level is required.

12. No part of the parking area shall be located in the required front yard.

13. Every parking space and loading space must be accessible at all times. It appears that the loading space obstructs the accessibility to the parking south of the loading.

RT-20 District

1. The parcel of land does not have frontage on a public highway. The total lot area must include the portion of Block 68 of Registered Plan 62M-747.

2. The .30m reserve adjacent to Falconridge Drive is required to be incorporated into the road allowance so as to establish frontage on a street and also to establish lot width.

3. If the cul-de-sac road allowance is to be established at the end of Falconbridge Drive, the area of the land for the townhouse development will be reduced and should be considered in all calculations for the development.

4. The type "C" end units each have a portion of building area that extends beyond the wall face of the remaining building. The minimum yard setback of 6.0m shall be provided to the wall face at the nearest point.

5. The distance between the building from the wall face of the extended portions containing windows must be a distance of at least 15.0m minimum.

6. Each dwelling unit has a roofed over unenclosed porch at the rear of each unit that must be at least 3.0m from the lot line to the rear and at least 6.0m from the lot line to the side.

7. It appears that the corner of the building containing units 15 to 19 is on the westerly lot line and therefore the proposed roofed over porch of unit 15 would be over the lot line.

8. Each dwelling unit must have a privacy area that is screened on two sides having a screen height not less than 1.2m to not more than 2.0m and having a depth of not less than 2.5m.

9. A minimum of thirty-two (32) parking spaces are required for the twenty-four (24) townhouse dwelling units containing garages.

10. The length of the parking spaces within the garages is insufficient.

11. The visitors parking must be signed "Visitors Parking Only".

12. The parking area must be at least 1.5m from the common boundary line between the RT-20 and DE-3 District lands.

13. The setback of 4.0m to unit 24 from the proposed road allowance is insufficient and it would appear that the extended portion of that unit would also have an insufficient setback.

14. The land of Ontario Hydro appears to be in the City of Hamilton and therefore the access driveway adjacent to the westerly lot line must be a minimum 3.0m away."

- The Regional Environment Department have advised that:

"There are public watermains on both Rymal Road West and Falconridge Drive which are available to service the subject lands.

With respect to sewer servicing, the development is split between two watersheds. The north half of the site (medical care facility) is intended to drain to Tiffany Creek and the south half (bungalow townhouse units) to Twenty Mile Creek.

There are no storm or sanitary sewers on Rymal Road West. In order to drain the sanitary sewage to the north, as a condition of development approval, the owner will be required to enter into a Service Agreement with the Region to construct the Regional sewers on Rymal Road West at their expense. Since stormwater from the north half of the site (medical care facility) is intended to drain to the Tiffany Creek watershed, as a condition of development approval, the owner will be required to submit a stormwater management report to the Regional Environment Department to show how stormwater quantity and quality issues will be dealt with.

The storm and sanitary sewage from the south half of the site (bungalow townhouse units) is intended to drain to the existing sewers on Falconridge Drive. Therefore, as a condition of development approval, the owner will be required to enter into a Modified Subdivision Agreement with the City of Hamilton and a Service Agreement with the Region in order to construct the required Falconridge Drive cul-de-sac bulb and Regional services within the cul-de-sac.

The Regional Transportation Department, Roads Division have the following comments:

1. The designated road allowance width of Rymal Road is 36.0m. In accordance with this designation the Region/City of Hamilton previously acquired the required road allowance widening on Rymal Road, shown as Part 2 on Reference Plan 62R-2838, by Instrument No. 10296 C.D. Therefore we do not anticipate any further road allowance widenings on Rymal Road at this time.

2. The proposed development concept submitted by the applicant precludes the construction of the neighbourhood street to Glancaster Road as shown on the approved Carpenter Neighbourhood Plan. Should this

development be approved as submitted, all traffic associated with the lands designated for "Institutional Uses" will be required to access to internal local streets to Rymal Road and Upper Paradise Road. Although there have been discussions between the prospective purchasers of the "institutional lands", there has been no indication whether these lands will require the street connection to Glancaster Road or whether separate permanent access for the "institutional use lands" will be obtained through Land Division Consent and consent of the adjacent Municipalities from the "Institutional Lands" to Glancaster Road.

Another option which could be considered is the redesignation of the "Institutional lands" to "single family use" and removing the requirement of any public street or private road access to Glancaster Road.

In conclusion, we consider the development of the residential lands and the elimination of the neighbourhood street from the applicants plan to be premature until such time as the overall neighbourhood Planning Land Use designations, traffic issues, etc. have been addressed. Accordingly we recommend that the consideration of the DE-3 zoning be held in abeyance until such time as the neighbourhood planning and traffic issues are resolved.

Should the application to develop the residential lands be approved as shown, the worst case scenario could result in all traffic from the "Institutional Designated Lands" and this residential development using the local internal neighbourhood streets to gain access to Rymal Road from Upper Paradise Road.

Once these land use and traffic issues have been resolved, the extent of the internal street construction can be determined and also whether these lands must develop through either a Modified Subdivision Agreement/Service Agreement or a full Plan of Subdivision. All costs associated with this internal street construction are subject to the normal developers financial responsibilities in the subdivision agreement.

3. From a Regional Road perspective and considering the current vertical and horizontal alignment on Rymal Road in relation to the access to the "community and residential care facility", we suggest that access to the Townhouse Block be from the internal street only. The increase in residential units having access from the internal street over what is currently approved in the Carpenter Neighbourhood Plan is minimal and having this access on the internal streets would minimize the potential turning and vehicle acceleration and merge conflicts on Rymal Road.

4. We have reviewed the available motorist sight lines on Rymal Road for motorists entering Rymal Road at the proposed easterly access and note that the sight lines, using the criteria of 1.05m drivers eye to 1.30m (assumed top of vehicle), are above the minimum stopping sight distances but do not meet any of the other motorist left turning and acceleration sight distances required for entering a Regional Arterial roadway.

   In order to compensate for this sight line deficiency and to provide a left turn storage lane for westbound traffic on Rymal Road, we recommend that pavement tapers, a left turn lane/acceleration lane, etc. be constructed on Rymal Road from east of the east access on Rymal Road westerly to the full left turn cross section on Rymal Road at Glancaster Road. As a condition of development/site plan approval for this development we will require that the developer/owner enter into an Access Agreement with the Region of Hamilton-Wentworth for all these roadway improvements. These roadway improvements must be advertised as required by the Municipal Act and the Road Alteration By-law must be approved by Regional Council. All costs for these roadway improvements will be the sole responsibility of the developer/owner.

   We have contacted the applicants traffic engineering consultant to resolve our other design concerns in the traffic report submitted with the application."

- The Town of Ancaster has advised of the following:

"On September 10, 1998, I attended a meeting that was co-ordinated by Nick Catalano. Guy Paparella, Morgan Pirie and the proponent were also in attendance. During the course of the meeting, additional revisions were discussed, including the possible relocation of the Glancaster Road entrance/exit to Rymal Road. Such a revision is preferred by Ancaster staff and we would be pleased to comment on a revised proposal that incorporates this modification."

- The Township of Glanbrook has advised of the following:

"The revised conceptual site plan attached to this revised zoning application proposes that a private road be established to access the subject lands from Glancaster Road. This proposed private road would extend through a part of the Township of Glanbrook and the Town of Ancaster, and through lands owned by the Township of Glanbrook and Town of Ancaster within an unopened road allowance, and lands owned by Ontario Hydro.

As a result of the many legal issues and complications, as well as possible additional planning approval applications in both Glanbrook and Ancaster (i.e.

Official Plan Amendments and/or Rezoning Applications), the appropriateness of this proposed private road to Glancaster Road is questionable. Further, there may be a simpler and more appropriate alternative access, which would be directly to Rymal Road adjacent to the west boundary of the subject lands. The above-noted matters, including the alternative access to Rymal Road at the west end, has been discussed with the applicant."

- The Ministry of Health, Long-Term Care Division have advised of the following:

  "Please be advised that the Ministry of Health has not approved any funding for any aspect of the services associated with the proposed development as suggested by Jomar Development Inc."

COMMENTS:

1. The proposed "Community and Residential Care Access Centre" use does not conform to the Official Plan. The proposed facility is neither a commercial use nor is it an institutional use, but rather is a new model for the delivery of health care. As such, an Official Plan Amendment is required to establish a Special Policy Area to permit the proposed development.

   The existing single family dwelling on the subject lands is an important historical structure. The dwelling was constructed in 1853-54 and was originally owned by the Gage family. The Local Architectural Conservation Advisory Committee has indicated that the dwelling is worthy for designation under the Ontario Heritage Act. As such, the applicant is proposing to retain this building for re-use as a "tea room" which is considered to be a restaurant. A restaurant is not a permitted use within the "Residential" designation in the Official Plan. Therefore, a provision within the proposed Special Policy Area is required to permit the adaptive reuse of the existing heritage dwelling for use as a small scale restaurant.

2. The approved Carpenter Neighbourhood designates the subject lands as "Single and Double" Residential (see APPENDIX "C"). If approved, the following neighbourhood plan amendments are required:

   - redesignate Blocks "1" and "2" from "Single and Double" Residential to "Commercial and Residential";
   - delete the north-south cul-de-sac from the approved road pattern for the Carpenter Neighbourhood; and,
   - terminate Falconridge Drive.

3. The application, as submitted, is for a 2-storey building for medical and residential care (Blocks "1" and "2") and for 24 condominium townhouse units (Block "3" and "4"). The development of the proposed townhouse units would

necessitate the termination of Falconridge Drive.

Based on the approved Carpenter Neighbourhood Plan, Falconridge Drive is to be extended westerly to connect with Glancaster Road. In addition, there is a 4.7 acre institutional site located at the south-west intersection of Falconridge Drive and Hawkswood Trail.

The termination of Falconridge, as proposed, would eliminate the connection to Glancaster Road. Neighbourhood traffic would be required to use Upper Paradise Road to access Rymal Road West. As such, all of the traffic associated with the lands designated for "Institutional Uses" would be directed to the local streets (ie Hawkswood Trail and Falconridge Drive) to access Rymal Road via Upper Paradise Road.

There have been discussions between Regional Environment Department, Traffic Division, Regional Transportation Department and Planning and Development Department staff and the prospective purchasers of the "institutional lands" to the south of the subject lands. However, there has been no indication as to whether or not the development of the "institutional lands" will require the extension of Falconridge Drive to connect with Glancaster Road or if alternative permanent access (i.e. right-of-way) from the "Institutional Lands" to Glancaster Road can be provided. The alternative access would have to be designed and constructed to acceptable engineering standards.

As an alternative to gaining access across the Ontrio Hydro Corridor lands to Glancaster Road, the applicant has proposed that access for the townhouse units will be from Rymal Road. The Regional Environment Department (RED) has advised that this is not acceptable due to the vertical and horizontal alignment on Rymal Road. Rather, RED has recommended that access to the Townhouse Block be from the internal street only. Based on the planned cul-de-sac and the proposed townhouse units, RED has advised that there would a minimal increase in vehicular trips and that access on the internal streets would minimize the potential turning and vehicle acceleration and merge conflicts on Rymal Road.

As such, the development of the residential lands shown as "Blocks "3" and "4" and the elimination of the neighbourhood street, as proposed by the applicant, is considered to be premature until such time as the overall neighbourhood Planning Land Use designations, traffic issues, etc. have been addressed. It is noted that the Traffic Division and the Regional Environment Department have advised that the proposed townhouse units are premature until the neighbourhood planning and traffic issues have been resolved. Accordingly, consideration of the "RT-20" District zoning should be held in abeyance until such time as the neighbourhood planning and traffic issues are resolved.

4. At the request of the Traffic Division and Roads Division, the applicant submitted a Traffic Impact Study (TIS) prepared by Delcan Corporation dated November 17, 1998. The TIS indicated that the proposed access for the "Community and Residential Care Access Centre" will operate at an acceptable level of service and there is sufficient stopping sight distance for this easterly access. Departure turning sight distance from this proposed access on Rymal Road West are deficient.

   The Regional Transportation Department, Roads Division has advised that the sight lines, using the criteria of 1.05m drivers eye to 1.30m (assumed top of vehicle), are above the minimum stopping sight distances, but do not meet any of the other motorist left turning and acceleration sight distances required for entering a Regional Arterial roadway. This means approaching motorists on Rymal Road may be required to slow down on occasions as vehicles turn left in front of them and attain operating speed. To compensate for this sight line deficiency and to provide a left turn storage lane for westbound traffic on Rymal Road, the Regional Transportation Department will be requiring that pavement tapers, a left turn lane/acceleration lane, etc. be constructed on Rymal Road from east of the east access on Rymal Road westerly to the full left turn cross section on Rymal Road at Glancaster Road.

   It is noted that as a condition of development/site plan approval for the proposed development, the applicant will be required to enter into an Access Agreement with the Region of Hamilton-Wentworth for the required roadway improvements. These roadway improvements must be advertised as required by the Municipal Act and the Road Alteration By-law must be approved by Regional Council. All costs for these roadway improvements will be the sole responsibility of the developer/owner. The applicants traffic engineering consultant have been advised of these design concerns.

5. The Regional Environment Department have advised that there are servicing constraints affecting the subject lands, and the applicant will be required to submit servicing studies and enter into the applicable agreements with the City and the Region. The servicing issues are as follows:

   <u>Sanitary Sewers - Blocks "1" and "2"</u>

   The sanitary sewers for the proposed "Community and Residential Care Access Centre" drain to the north. As such, sewers will have to be extended from the intersection of Upper Paradise Road and Rymal Road West to service the subject lands. The owner will be responsible for the costs associated with the extension of the sewers. As such, the owner will be required to enter into a Service Agreement with the Region to construct the Regional sewers on Rymal

Road West.

Storm Sewers - Blocks "1" and "2"

Stormwater from the north half of the site (medical care facility) is intended to drain to the Tiffany Creek watershed. As such, the Regional Environment Department has advised that the owner will be required to submit a stormwater management report to the satisfaction of the Regional Environment Department demonstrating how stormwater quantity and quality issues will be dealt with.

Storm and Sanitary Sewers – Blocks "3" and "4"

The storm and sanitary sewage from the south half of the site (bungalow townhouse units) is intended to drain to the existing sewers on Falconridge Drive. Therefore, as a condition of development approval, the owner will be required to enter into a Modified Subdivision Agreement with the City of Hamilton and a Service Agreement with the Region in order to construct the required Falconridge Drive cul-de-sac bulb and Regional services within the cul-de-sac.

As there are significant serving issues that need to be addressed prior to the development proceeding, it is appropriate that the subject lands be placed in a Holding Zone until such time as all the necessary studies and servicing issues have been resolved to the satisfaction of the Regional Environment Department.

6. The Traffic Division have advised that the loading area shown on the conceptual site plan does not have sufficient on-site manoeuvring. Furthermore, the parking layout will have to be changed to facilitate this movement and also to eliminate "dead-end" corridors. The access width to Rymal Road West will have to be revised to provide a minimum of 7.5 metres. There must also be a minimum throat of 6.0 metres on this access.

7. Based on the plans submitted, the applicant is proposing two large signs (2 storey in height) and 13 box signs. The aggregate sign area shown is approximately 74 m^2 (795 sq.ft.). Based on the background information submitted with the application, the "Community and Residential Care Access Centre" is intended to function as an ambulatory clinic and nodal point for patient care, assessment and uptake in conjunction with a geriatric centre. The size and amount of signage proposed is similar to that of a commercial plaza. Based on the nature of the proposed use, the amount of external signage should be limited to that for public or private hospitals and other similar institutional uses. This would permit a maximum external signagge of 1.2 m^2 (12.92 sq.ft.) and permit in-direct illumination of the signage.

8. The proposed "Community and Residential Care Access Centre" has merit and can be supported for the following reasons:

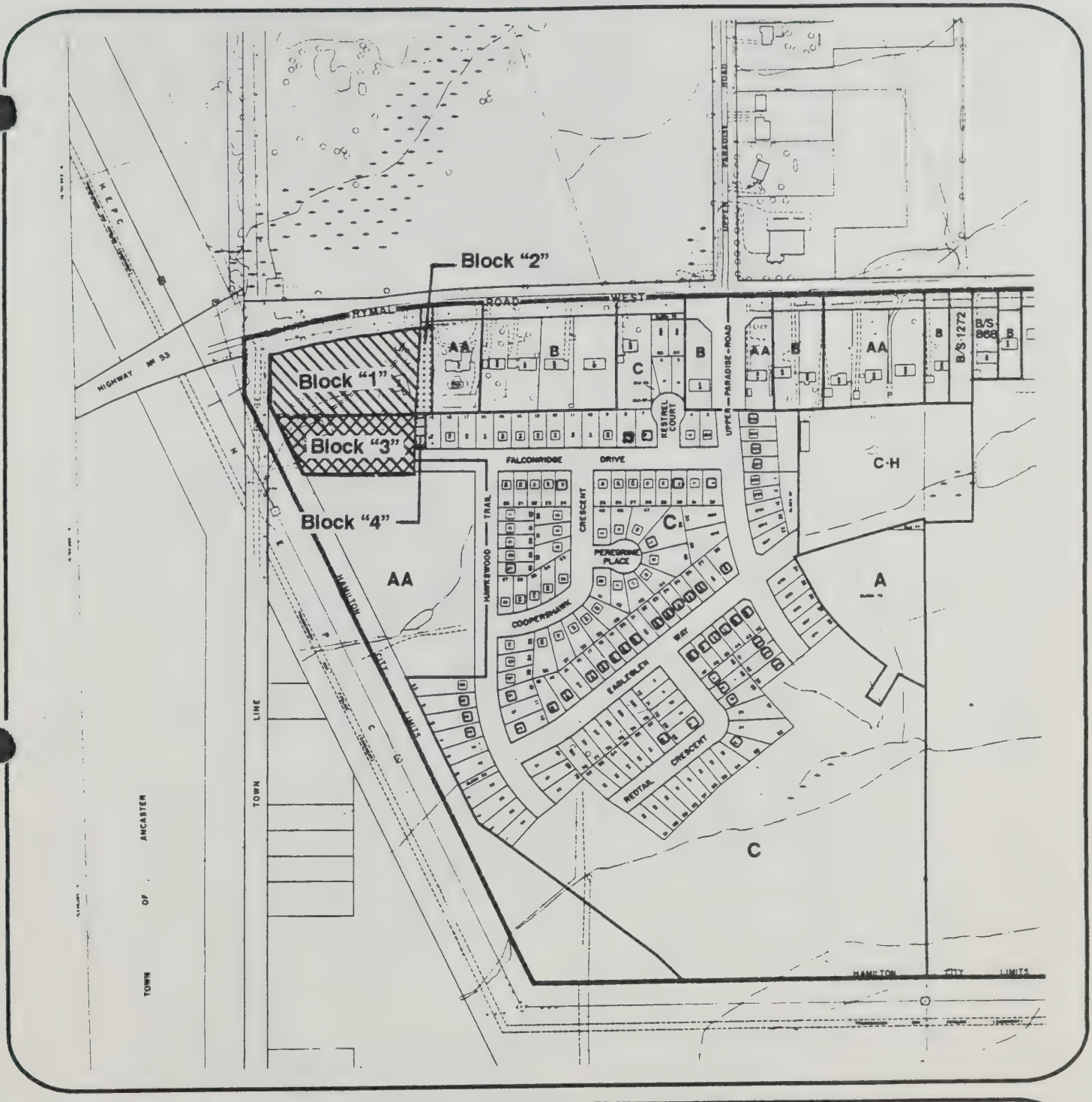
be supported for the following reasons:

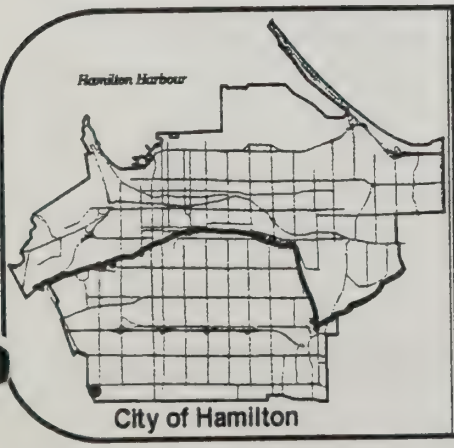
i) the "Community and Residential Care Access Centre" will provide residential care and short-term care facilities and medical services, including patient care, assessment and uptake, to the communities of the Hamilton West Mountain, Ancaster and Glanbrook;
ii) it provides for the adaptive re-use of a heritage dwelling;
iii) it is situated on a major arterial road; and,
iv) it would be compatible with the abutting and planned residential uses.

9. The "DE-3" District is subject to site plan control. As such, matters such as grading, drainage, landscaping, fencing, building design, orientation and driveway access, etc. will be further reviewed at the site plan control stage of development.

CONCLUSION:

Based on the foregoing, the application, as submitted cannot be supported. However, approval of an amended application for Blocks "1" and "2" to permit a "Community and Residential Access Care Facility" and accessory restaurant can be supported.





PLANNING AND DEVELOPMENT DEPARTMENT

Location Map

Legend

Block "1" — From "AA" (Agricultural) District to "DE-3" - 'H' (Multiple Dwellings - Holding) District, modified;

Block "2" — From "C" (Urban Protected Residential, etc.) District to "DE-3" - 'H' (Multiple Dwellings - Holding) District, modified;

Block "3" — From "AA" (Agricultural) District To "RT-20" (Townhouse-Maisonette) District, modified;

Block "4" — From "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District, modified;

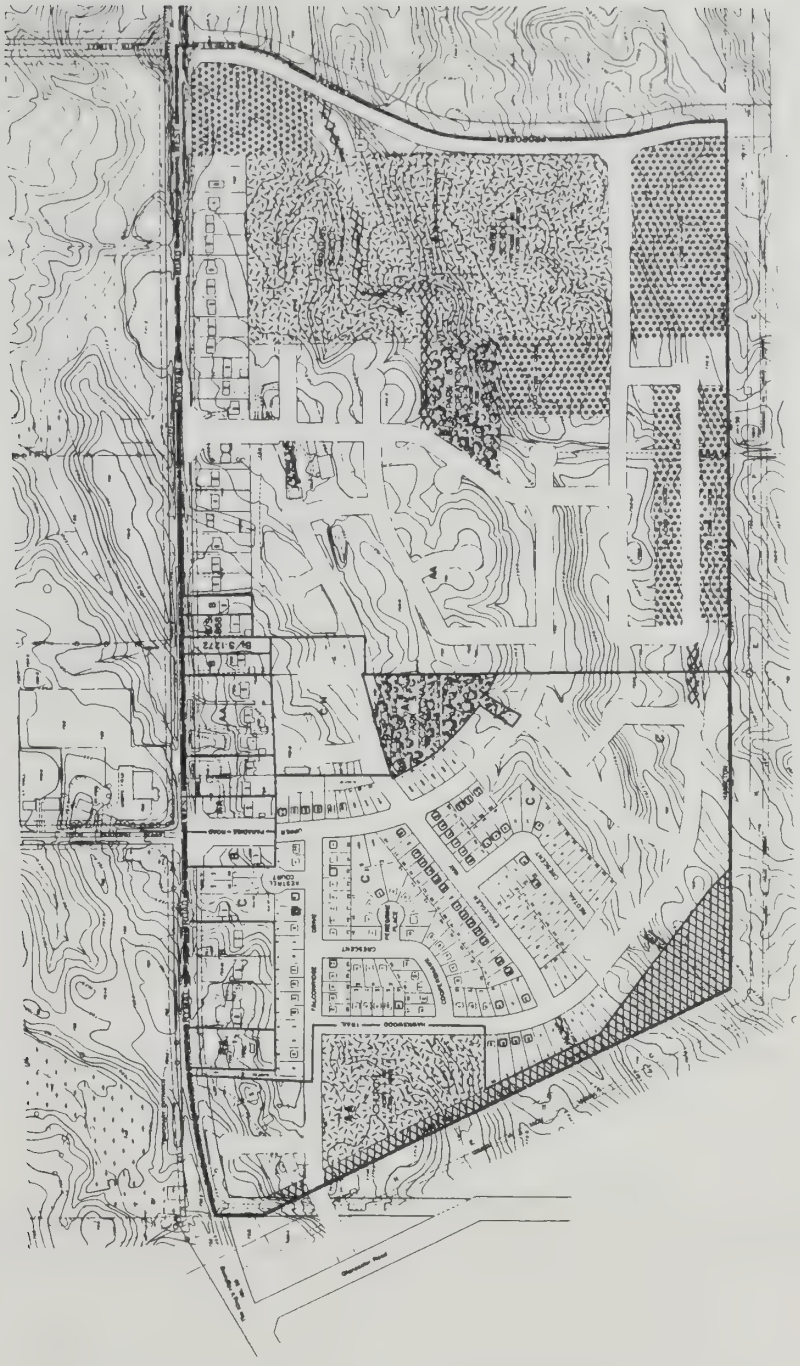
Reference file:	ZAC-98-24
Scale	Not to Scale
Date	November, 1998
Technician:	F.N.

North

APPENDIX "A"

FALCONRIDGE DRIVE
LOT 19
M742
PART 1 INST. No 297178 AB (RSTY)
INST. No 172842 HL SECONDLY
INST. No 110391 HL
LANDS OF ONTARIO HYDRO
TOWN OF ANCASTER
GLANCASTER ROAD
REGIONAL ROAD NO 253
RYMAL ROAD
THE KING'S HIGHWAY No. 53
FRED K. ROMAN
SITE PLAN
D - 1
MAY 1/98
1:400

APPENDIX "B"



Note: This is a GUIDE PLAN only and subject to change. For details contact The City Planning and Development Department.

SEWER EASEMENT

POSSIBLE FUTURE ROADS

EXISTING POPULATION (1994) 352

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

COMMERCIAL

INDUSTRIAL

CIVIC & INSTITUTIONAL

PARK & RECREATIONAL

OPEN SPACE

UTILITIES

Neighbourhood Boundary

Zoning Boundary

Approvals

Planning Committee.....June 24, 1992

Council.....June 30, 1992

Latest Revision Date.....April 10, 1995

CITY OF HAMILTON

Planning Department

CARPENTER

APPROVED PLAN

NORTH

0 50m 100m

20

APPENDIX "C"

Copy to V. Abraham, Director of Planning & Development;
P. Noé Johnson, City Solicitor from T. Agnello, Secretary
Planning & Development Ctte. Date: 1998 Aug 14

2a)

93 Hawkswood Trail
Hamilton, Ontario

July 29, 1998

AUG 18 1998

City Hall - Planning Dept.
71 Main Street West
Hamilton, Ontario
L8N 4Y5

Attention: S. Robichaud

Re: File #ZAC 98-24

Dear Mr. Robichaud,

This letter is being sent on behalf of our family to voice our concern and complete objection of the proposal to the zoning amendment regarding 723 Rymal Road West.

We have recently moved to this area of Hamilton, and are very comfortable with the community as it stands today, which is a family development of all single family dwellings.

One of the main reasons we chose the Highridge South Development was to avoid an area which contained townhouses. As far as we were concerned, Hamilton Mountain is being smothered by townhouse development.

Our second reason for choosing this particular area was its peacefulness and the fact that you are removed from the constant noise of inner city life. Our family enjoys the outdoors and the quiet nature of our development.

Lastly, we decided to move here because we have two young children and the traffic pattern within the survey is minimal, and will be limited to the current planned residential community.

We are very concerned by the proposed zoning amendment since it ultimately eliminates the benefits of the community as it stands today, single family dwelling. This amendment will only detract from our community and green space, and will no doubt reduce property values.

We are also puzzled at how an ambulatory care facility could be considered in the face of health care cut-backs at other facilities in Hamilton and even the potential for closure.

For these reasons and the fact that there must be a more suitable alternative area for these types of developments, we ask that you stand opposed to this amendment.

Protect our family and community from the greed of developers.

Sincerely,

The Nicholsons

cc. Frank D'Amico
Duke O'Sullivan

Copy to V. Abraham, Director of Planning & Development;
P. Noé Johnson, City Solicitor from T. Agnello, Secretary
Planning & Development Ctte. Date: July 3, 1998

2b)

19 Falconridge Drive
Hamilton, ON
L9B 2P2
(905) 389-7518

July 28, 1998

JUL 30 1998

Planning Dept./S. Robichaud
City Hall
71 Main St. W.
Hamilton, ON
L8N 4Y5

Dear Sirs:

Re: File #ZAC 98-24

We are writing in respect to our opposition to a proposed zoning amendment in regards to 723 Rymal Road West, Hamilton, which lies at the westernmost end of Falconridge Drive.

We purchased our home at 19 Falconridge Drive in 1994, and if we had known that this kind of zoning amendment could possibly be put through, we would have re-thought purchasing our home in this location. We believe that this proposal would decrease our property value and also create increased pollution from the parking lot (gas, oil, salt run-off) and potential garbage smell from the proposed ambulatory care facility.

Kindly take note of our disapproval when it comes time for a decision to be made in connection with the above matter.

Sincerely,

John and Shari Van Groningen

Copy to V. Abraham, Director of Planning & Development;
P. Noé Johnson, City Solicitor from T. Agnello, Secretary,
Planning & Development Ctte. Date: July 27/98

JUL 29 1998

July 27, 1998.

2c)

Planning Dept., City Hall,
71 Main St. W., Hamilton, Ont.,
L8N 4Y5

Richard and Janet Meleskie
64 Falconridge Dr.,
Hamilton, Ontario,
L9B 2P3
Phone: 905 388 8949

Attention: S. Robichaud
Reference: File # ZAC 98-24

Dear Sir,

This is to inform you that we object to the zoning amendment proposed for 723 Rymal Rd. W. under file # ZAC 98-24, which would allow the construction of an ambulatory care facility as well as townhouses at the end of Falconridge Dr.

We bought a 4 bedroom, 2-storey luxury home on Falconridge Dr. approximately two years ago under the impression that the neighborhood would only include single, residential housing. We feel that the townhouse development and ambulatory facility will devalue the market price of our home and the increased traffic and business will further depreciate its future value.

Aside from the financial considerations, we are concerned about the safety of our neighborhood for our children and feel that the amendment has no business being proposed in our prestigious single housing residential community.

Let us avert any future problems now and reject the amendment to keep our community, our children and our investments safe.

Please register our disapproval of this proposition . We hope it makes a difference.

Sincerely,

Richard Meleskie Janet Meleskie

Copy to V. Abraham, Director of Planning & Development; P. Noé Johnson, City Solicitor from T. Agnello, Secretary, Planning & Development Ctte. Date: July 27/98

2d)

City Hall
Planning Department
71 Main St. W.
Hamilton, ON L8N 4Y5

July 22, 1998

JUL 27 1998

ATT: S. ROBICHAUD

I am a resident of Highridge South. Specifically, my husband and I live on Falconridge Drive. I received notice yesterday of the zoning amendment which has been proposed for 723 Rymal Road W. which includes plans to construct a 3-storey ambulatory care facility and parking lot as well as 27 bungalow townhouses at the end of Falconridge Drive.

PLEASE NOTE THAT WE ARE STRONGLY OPPOSED TO THIS PROPOSITION AND DO NOT WANT TO SEE OUR COMMUNITY DISTURBED WITH THESE NEW ZONING AMENDMENTS.

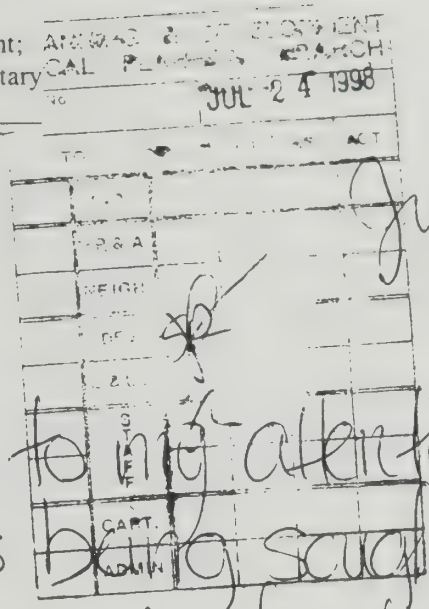
WE SINCERELY HOPE THAT YOU WILL TAKE THIS LETTER INTO CONSIDERATION BEFORE IMPLEMENTING THIS NEW PLAN.

Thank you.

Chris and Daniela Gollob

(FILE #: ZAC 98-24)

Copy to V. Abraham, Director of Planning & Development;
P. Noé Johnson, City Solicitor from T. Agnello, Secretary
Planning & Development Ctte. Date: July 24/98



JUL 24 1998

2e)

Re: File # ZAC 98-24 July 20th/98

Dear Sir;

It has come to my attention that a new zoning proposal is being sought for 723 Lymal Road W. It is my understanding that this proposal would include... a 3-storey ambulatory care centre, parking lot, and a 37 unit townhome development. Also in this plan is the demolition of existing mature trees, as well as the existing heritage family homestead. All of this is completely and totally "unacceptable!" I am writing this letter as means of voicing my, as well as my families extreme disapproval of this new proposal. I live in a single family home property, directly across from the cul-de-sac at the end of Falconridge Drive. I do not wish to see my property value drop because of lower income townhomes, parking lots, noise and increased pollution! No one in this family-oriented survey does. Please consider this,

as well as all other forthcoming objections; and reject this proposal for a zoning amendment.

I thank you for your time in this matter.

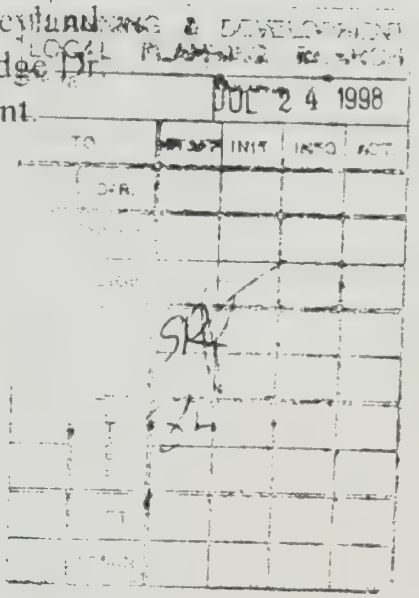
Mr. & Mrs. A. Okimi, Kaleigh & Dustin
15 Hawkswood Trail
Hamilton, Ontario
L9B 2P3.

JUL 24 1998

24)

Copy to V. Abraham, Director of Planning & Development;
P. Noé Johnson, City Solicitor from T. Agnello, Secretary
Planning & Development Ctte. Date: July 7/20 98

Mr. Tom Leyland
74 Falconridge Dr.
Hamilton Ont.
L9B 2P3
574-5474



Mr. Steve Robichaud Planning Dept.
Hamilton City Hall
71 Main St. W.
Hamilton Ont.
L8N 4Y5

Dear Mr. Robichaud re: File # ZAC 98-24

As per our telephone conversation of July 16. 1998. this letter is to object to the proposed plan for the property located at 723 Rymal Road W.

This plan. if allowed to proceed. would create numerous problems for the surrounding area. Firstly, the construction of the 27 townhomes would create a substantial increase in traffic flow which I feel our street would be unable to accommodate. causing potential safety hazards for the children in the surrounding area. Secondly. if Falconridge Drive is to be extended. it would mean having to fill and level the land. thereby disrupting the natural drainage pattern and potentially causing flooding problems to the surrounding homes.

Thirdly. construction of the three-storey building and accompanying parking lot will result in the demolition of the existing homestead. which belonged to the Gage Family, and the beautiful mature trees which surround the home. The removal of the trees would cause irreparable damage to the eco-system of the area. not to mention the pollution generated by the proposed ambulatory care facility and the parking lot (exhaust,gas,oil,and salt run-off).

Steve, I hope you will keep me informed of any developments with regard to this property, and I look forward to the meeting in September. I will be

informing the surrounding homeowners with regard to this proposal and urging them to voice any objections they may have.

Sincerely,

Tom Leyland

3

Turkstra Mazza

Hamilton Guelph Mississauga Toronto

Manfred Rudolph
15 Bold Street
Hamilton Ontario L8P 1T3
Telephone 905 529 3476 (905 LAW-FIRM)
Fax 905 529 3663
Direct Line 905 526 6183 Ext. 278

November 19, 1998

Via Fax No.: 546-2535

Mr. Frank D'Amico
Chairman
Planning & Development Committee
Aldermen's Office
71 Main Street West
2nd Floor
Hamilton, Ontario
L8P 4Y5

Dear Sir:

Re: **260-280 King Street East**
Demolition Permit
File No. 40544

Further to my letter of October 28th, 1998, would you please have this matter placed on the next Planning and Development Committee agenda.

I enclose a copy of my letter of October 28th, 1998 for your easy reference.

We would welcome the opportunity to speak with you concerning our request. Our request is based on the following:

1. The penalty payments referred to in the approved conditions represent the statutory maximums from the Planning Act;

2. In the circumstances, where the City is attempting to stimulate downtown development, it hardly seems appropriate that maximum penalties be imposed when development interests take risks at the downtown core;

3. The penalty payment that we are proposing would seem to be more than sufficient to cover any reduction in property tax payments should the site remain vacant for an extended period of time;

4. We understand that the City is actually providing financial incentives for downtown development or redevelopment. Our client, in this case, is not asking for any financial assistance from the City. It is willing to take the risk of development in the downtown core and to pay its own way to do so.

In the circumstances, then, we submit that the conditions we propose are appropriate in the circumstances and in the context of the City's downtown initiatives.

By way of copy of this letter to Ms. Agnello, I ask her to contact us and tell us when the next meeting is and to confirm that we will be placed on the agenda.

I have delivered a copy of this letter to the Building Department. I am assuming that the Building Department sets the conditions for demolition and that the Legal Department assists in implementing those conditions.

I look forward to hearing from you and meeting with you to discuss this matter.

Yours very truly,

Lucija Tagore per:

Manfred Rudolph

MR/lj
Enclosure
cc Ms. Tina Agnello
Secretary of the Planning
and Development Committee
cc Mr. Frank Spallacci
cc Mr. Len King

Turkstra Mazza
Hamilton Guelph Mississauga Toronto

Manfred Rudolph
15 Bold Street
Hamilton Ontario L8P 1T3
Telephone 905 529 3476 (905 LAW-FIRM)
Fax 905 529 3663
Direct Line 905 526 6183 Ext. 278

October 28, 1998

Via Fax No.: 546-2764

Mr. Peter Lampman
Deputy Commissioner
Building Department
City Hall
71 Main Street West
HAMILTON, Ontario
L8P 4Y5

Dear Sir:

Re: **260-280 King Street East**
Demolition Permit
File No. 40544

We enclose copies of the resolution of the Planning and Development Committee concerning this demolition permit application as well as a copy of a July 13th, 1998 letter from Mr. Powers to Mr. Mazza.

My client would like to get on with the development. Obviously, the City has some interest in downtown development. We have been before your committee on previous occasions to deal with the conditions and particulars dealing with this development.

Our client has instructed me to request the following changes to the conditions to be attached to the demolition permit. They are in order of the numerated paragraphs in the Committee's resolution:

1. My client does not wish to incur the expense of obtaining a building permit prior to demolition. The building permit can be applied for at the time that pre-sales indicate that construction will commence. We propose that the demolition permit condition require the developer to establish a pre-sales office, within a set period of time.

2. This is acceptable;

3. It hardly seems prudent, given the City's desire to stimulate downtown development, that the City simply attach the statutory maximum penalty should the construction of the proposed development not take place on schedule. We we would suggest that a one time penalty payment of $15,000.00 be paid should the condition not be met;

4. This is acceptable to us;

5. This is acceptable to us as well.

I look forward to discussing this matter with you and, hopefully, bringing it back to the Committee for the amendment of the conditions.

Thank you for your attention to this matter and we look forward to meeting with you.

Yours very truly,

Manfred Rudolph

MR/lj
Enclosures
cc Mr. Frank D'Amico
cc Mr. Frank Spallacci

SECTION 2 OF THE FIRST REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE, ADOPTED BY CITY COUNCIL ON DECEMBER 11, 1997

2. (a) (i) That subject to subsection (ii) below, the Building Commissioner be authorized to deny an application for a demolition permit for the building located at 266-280 King Street East, in accordance with Demolition Control By-law 74-290 pursuant to the demolition control provisions of the Planning Act (sec.33); and,

(ii) That the Building Commissioner be authorized to issue a demolition permit for the building located at 266-280 King Street East subject to the following conditions:

(1) the applicant has applied for and received a building permit for a replacement building on this property; and,

(2) the said building permit specifies that replacement building be erected within four years of the demolition of the existing building on this property; and,

(3) the said building permit for the replacement building specifies if such replacement building is not erected within the said four year time limit, that the City be paid the sum of $340,000 ($20,000 for each of the seventeen dwelling units of the existing building that were demolished); and,

(4) the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk listed below) in a form satisfactory to the Building Commissioner and to the City Solicitor; and,

(5) if the said replacement building is not erected as required, the City Clerk be authorized to add the said sum to the collector's roll, which sum shall remain a lien upon the property until paid; and,

(b) That Section (4) of the Second Report of the Planning and Development Committee adopted by Council 1996 February 13 be rescinded.

LAW DEPARTMENT
City of HAMILTON
71 Main Street West, Hamilton, Ontario, L8P 4Y5
Tel. (905) 546-4520 / Fax (905) 546-2142

July 13, 1998

Turkstra, Mazza, Shinehoft, Mihailovich & Associates
15 Bold Street
Hamilton, Ontario
L8P 1T3

Attn: P.D. Mazza 1998

Dear Sir:

Re: Proposed demolition of building
260 King Street East, Hamilton
(also known as 266-280 King Street East)
Owner: Spallaci & Sons Ltd.
Our File: 141-17/96.1

Further to an inquiry received today from Pam of your office, enclosed please find a copy of Item 2, of the 1st Report of the Planning & Development Committee adopted by City Council on December 11, 1997.

As contemplated by this resolution, your client is required to take several steps before it may qualify for a demolition permit including registering on title to this property Notice (in a form satisfactory to the Building Commissioner and the City Solicitor) of the conditions under which Council may issue a demolition permit.

Accordingly, you may, among other steps referred to in the resolution cited above, prepare and submit a draft of the said Notice for our review.

A copy of this letter is being provided to our Building Department to keep it informed on these matters.

Yours truly,

David A. Powers
Senior Solicitor
Development & Real Estate Services

DAP:sr
Att.

c.c. L. King, Building Commissioner Attn: P. Lampman, Deputy Building Commissioner




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